

Protection of Personal Information Act



YOUR POPI INFORMATION GUIDE

PURPOSE OF POPI

Give effect to the **constitutional right to privacy** by safeguarding Pi

Balance the right to privacy against other rights, like right of access to information

Regulate the way in which Pi must be **processed**

Provide persons with **rights and remedies** if POPI is contravened

Establish an **Information Regulator** to ensure that the rights are protected, promoted and enforced

TO WHOM DOES POPI APPLY?

1. Is the Organization processing personal information?
2. Is the Personal Information entered into a record?
3. Is the processing being done by or for a responsible party?
4. Is that responsible party domiciled in South Africa?

Yes!

IF ANSWER TO ALL "YES" POPI APPLIES

Yes!

DOES POPI ALSO APPLY TO PI OF COMPANIES?

Yes!

ARE THERE ANY EXEPTIONS FROM POPI COMPLIANCE?

What is personal information?

E-mail, telephone, address etc

CONTACT

Age, Sex, race, birth date, ethnicity etc

DEMOGRAPHIC

Employment, financial, educational, criminal, medical history

HISTORY

Opinions of a person, or about the person

OPINIONS

Biometric information, blood type etc

BIOMETRICS

Private correspondences

CORRESPONDENCES

WHAT IS SPECIAL PERSONAL INFORMATION?

- RELIGIOUS / PHILOSOPHICAL BELIEFS
- RACE OR ETHNIC ORIGIN
- TRADE UNION MEMBERSHIP
- HEALTH STATUS
- CRIMINAL BEHAVIOUR
- POLITICAL OPINIONS

PERMISSABLE GROUNDS FOR PROCESSING Pi

1. **CONSENT** from data subject
2. Necessary to **CONTRACT** that data subject party to
3. **LEGAL OBLIGATION** to process
4. Duty by a **PUBLIC BODY**
5. Necessary to **PROTECT** a legitimate interest of **DATA SUBJECT**
6. Necessary to pursue **LEGITIMATE INTEREST** of data collector

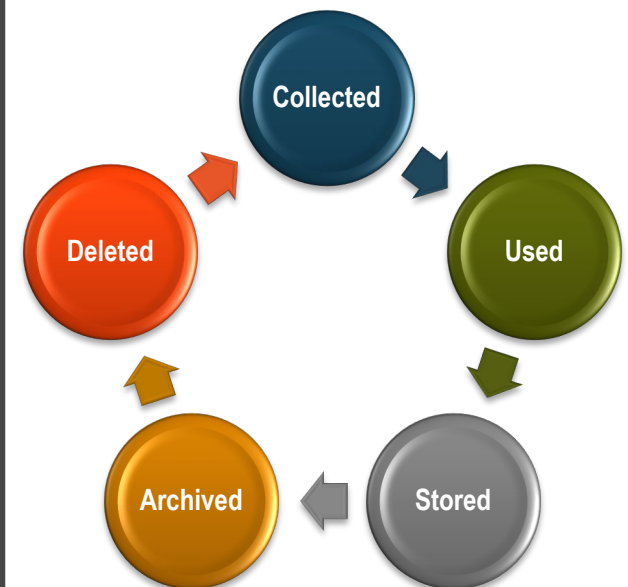
WHAT IS PROCESSING?

PROCESSING means: any operation or activity or any set of operations including:

(a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;

(b) dissemination by means of transmission, distribution or making available in any other form; or

(c) merging, linking, as well as restriction, degradation, erasure or destruction of information





IMPORTANT DEFINITIONS

DATA SUBJECT

- Means the person whom personal information relates

RESPONSIBLE PARTY

- Means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information

OPERATOR

- A natural or juristic person (such as a company) that processes PI for the responsible party.

INFORMATION OFFICER

- Means the Administrative head for either a Public or Private company and who is responsible for full compliance with POPI

THE INFORMATION OFFICER IS RESPONSIBLE FOR:

Develop Information Governance Policy

Analyse privacy regulations

Advise / consult with entity on privacy

Develop & perform privacy training communications

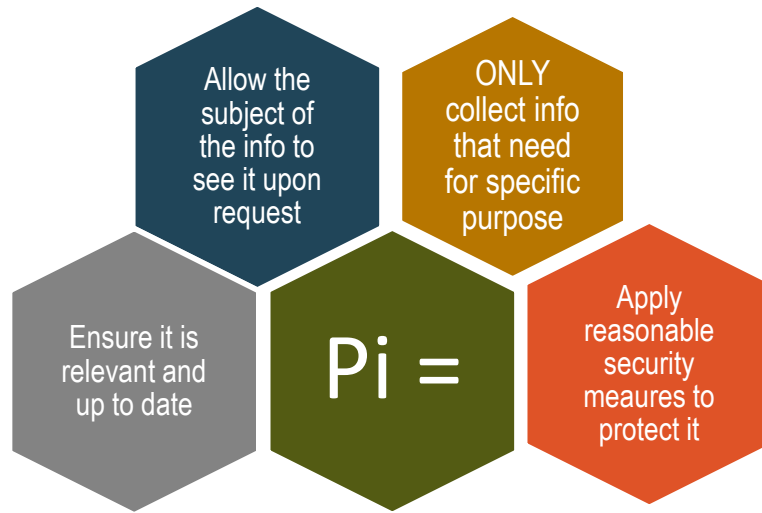
Report & respond to breach of privacy incidents

Report to management & stakeholders

Perform privacy risk assessment and data inventories

Administer privacy of personnel & budgets

WHAT ARE SOME OF THE RESPONSIBLE PARTY'S OBLIGATIONS



WHAT ARE THE TRANSITIONAL PERIODS PROVIDED FOR BY POPI?



The Protection of Personal Information Act became operational on **1 July 2020**. Full compliance with the Act is required by **30 June 2021**.

8

INFORMATION PROCESSING PRINCIPLES

PROCESSING LIMITATION

- Processing must be lawful and Pi may only be processed if it is adequate, relevant and not excessive given the purpose for which it is processed

INFORMATION QUALITY

- The responsible party must take reasonable practicable steps to ensure that the Pi is complete, accurate, not misleading and updated

ACCOUNTABILITY

- The responsible party must ensure that the information processing principles are complied with

PURPOSE SPECIFICATION

- Pi must be collected for a specific, explicitly defined and lawful purpose related to a function or activity of the responsible party. The responsible party must take steps to ensure that the data subject is aware of the purpose for which it is collected

OPENNESS

- Certain prescribed information must be provided to the data subject, incl what information is being collected, the name and address of the responsible party, the purpose for the collection and whether supply of info is voluntary or mandatory

SECURITY SAFEGUARDS

- The Responsible Party must secure the integrity of Pi in its possession or under its control by taking prescribed measures to prevent loss, damage or unauthorized destruction of Pi, including unlawful access

DATA SUBJECT PARTICIPATION

- A data subject has the right to request a responsible party to confirm, free of charge, whether or not the responsible party holds Pi about the subject and request the record or a description of the Pi being held, including identity of all third parties who have, or have had access to that Pi

FURTHER PROCESSING LIMITATION

- Where Pi is received from a 3rd party and passed on to the responsible party for further processing, that further processing must be compatible with the purpose for which it was initially collected

Why should we comply with POPI?

1

POPI promotes transparency with regard to what information is collected and how it is processed. The openness is likely to increase customer confidence in an organisation.

2

POPI compliance involves capturing the minimum required data, ensuring accuracy and removing data no longer required. This will improve reliability of the organisation databases


3

Compliance demands identifying Pi and taking responsible measures to protect the data. Likely to reduce the risk of data breaches and public relations and legal ramifications for the organisation


Non-Compliance with the Act would expose the Responsible Party to a penalty of a FINE UP TO R10 MILLION and / or imprisonment of up to 10 YEARS


WHO IS THE INFORMATION REGULATOR?

The Information Regulator is a juristic body that has been appointed in terms of POPI and will have the following duties and powers:

Educate the public about POPI 

Monitor and enforce compliance 

Handle complaints about violations 

Attempt to resolve complaints by means of dispute resolution 

Issues from time to time codes of conduct & makes guidelines to assist bodies to develop & apply codes 