



COMPLIANCE AND THE PROTECTION OF PERSONAL INFORMATION ACT

The Protection of Personal Information Act 4 of 2013 (POPI Act or PoPIA) is South Africa's data protection law.

The President announced and published a proclamation, on 22 June 2020, that the majority of the provisions of the Protection of Personal Information Act will commence on 1 July 2020. PoPIA provides for a transitional period of 1 year. This means that both private businesses and organisations and public bodies that process personal information must, at this stage, ensure that they comply with PoPIA by 1 July 2021.

PoPIA regulates the privacy and security of personal information through effective information

management. This legislation gives effect to section 14 of Constitution (Act 108 of 1996) that everybody has a right to privacy.

The Information Regulator ("IR") was established at the end of 2016 and is empowered to monitor and enforce compliance in line with the provisions of the Promotion of Access to Information Act, 2000 ("PAIA") and PoPIA.

Non-compliance poses a huge reputational risk, financial risk (administrative fines of up to R10 million) and operational risk (such as spending operational time to re-actively align business processes, documents and systems with the legal requirements).

8 Conditions for lawful processing of personal information -

Condition 1

Accountability

Condition 2

Process limitations

Condition 3

Purpose specification

Condition 4

Further processing limitations

Condition 5

Information quality

Condition 6

Openness

Condition 7

Security safeguard

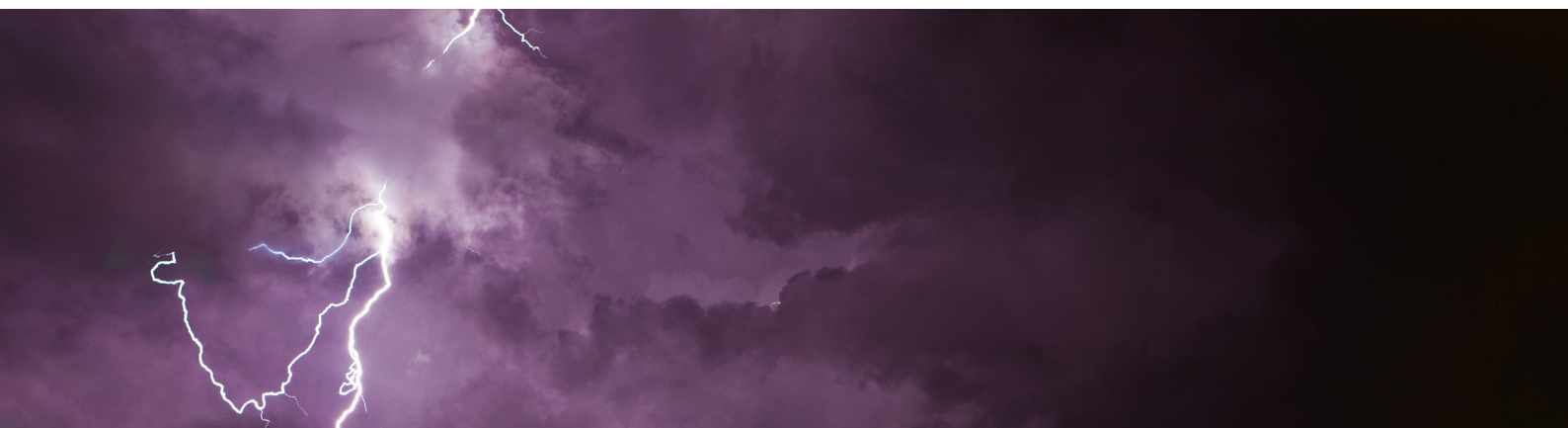
Condition 7

Data subject participation

YOU MUST COMPLY, YOU HAVE NO TIME TO LOSE AND YOU NEED TO TAKE ACTION FAST!

You need to comply if:

- your organisation is domiciled in South Africa, or
- your organisation is not domiciled in South Africa, but processes personal information in South Africa.





NEW TERMS TO LEARN -

“Data subject”

“Operator”

“Responsible party”

“Trans-border information”

“General Data Protection
Regulations”

“Information Regulator”

URGENT TO DO -

- Awareness training;
- Assess impact of POPIA on your organisation;
- Identify readiness milestones, allocate timelines and responsibilities;
- Ensure that the role of Information Officer in terms of PAIA and POPIA is designated and that the individual is aware of his / her duties and responsibilities; and
- Amend business processes, documentation and align IT systems.

SERVICES:

- Assessments
- Gap Analysis
- PoPIA/PAIA Project
- Access to Information and Disclosures
- Governance and Responsibility

If you're interested in learning more about how FluidRock Compliance and Ethics can enhance your personal information and security compliance initiatives, please contact us on hello@fluidrockgovernance.com.

