



Building Resilience : Compliance to the POPIA Act

Background

POPIA (Protection of Personal information Act 4, of 2013), although promulgated in 2013, has become effective on the 1st of July 2020, with a 12 month grace period to become compliant. The intention of the Act is to protect personal information, to strike a balance between the right to privacy and the need for the free flow of, and access to information, and to regulate how personal information is processed. This Act gives effect to Section 14 of the Constitution of the Republic of South Africa, namely the right to privacy.

The purpose of the POPI Act is:

- To promote the protection of personal information processed by public and private bodies;
- To introduce certain conditions so as to establish minimum requirements for the processing of personal information;
- To provide for the establishment of an Information Regulator to exercise certain powers and to perform certain duties and functions in terms of this Act and the Promotion of Access to Information Act, 2000;
- To provide for the issuing of codes of conduct; to provide for the rights of persons regarding unsolicited electronic communications and automated decision making; and
- To regulate the flow of personal information across the borders of the Republic.

POPI largely applies to people or groups in South Africa who process data for commercial purposes. POPI applies conditions for the lawful processing of personal data of South Africans (both South African citizens and those living in South Africa).



It includes eight general conditions for lawful processing, namely:

1. Accountability;
2. Processing limitation;
3. Purpose specification;
4. Further processing limitation;
5. Information quality;
6. Openness;
7. Security safeguards; and
8. Data subject participation.

As you process data in South Africa, then you have an obligation to comply with POPI. Failure to comply with the POPI Act may result in penalties, administrative fines as well as possible incarceration.

We have developed a free tool to assist you in identifying priority areas, contact us on:

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