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## An overview of the POPI Act.

### Introduction

The *Protection of Personal Information (POPI) Act* has been signed into law by the President and published in the Government Gazette Notice 67067 in November 2013. The Protection of Personal Information (POPI) Act, No. 4 of 2013, promotes the protection of personal information by all public and private entities.

The POPI Act serves various purposes namely:

- Regulating how personal information may be processed by means of establishing conditions that meet international standards for the lawful processing of personal information.
- Ensuring the constitutional right to privacy by protecting personal information.
- Establishing voluntary and compulsory measures, including Information Regulator.

### What are the important dates? -

1 July 2021

### What data is protected by POPI?

All personal information processed is required to be processed lawfully. The definition of personal information is wide, but includes:

- Names, email addresses, identity number, physical and postal addresses.
- Opinions, political and trade union affiliation.
- Religion, race, gender, sexual orientation, age, mental health.
- Education, medical, financial, criminal or employment history.

In summary, any information that can be used to identify a data subject is personal information. Importantly, in terms of POPI, both natural and juristic persons are considered data subjects.



## Some Questions about the POPI Act

### To whom does POPI apply to?

- Any public or private body or any other person which, unaided or in combination with others, regulates the purpose of and means for processing personal information (*Responsible Party*). The “*Responsible Party*” of every company is accountable for ensuring and enforcing its own compliance.
- Any person who processes personal information for a *Responsible Party* in terms of a mandate or agreement, without coming under the direct authority of the Responsible Party.

It is about taking special care of the personal information that is entrusted to you by your customers and clients. If you act recklessly with this information, you not only face regulatory sanctions, but you also run an actual risk of damaging client relationships and overall business reputation. ***Non-compliance may have far reaching consequences and could expose the Responsible Party to a penalty or fine of R10 million and/or imprisonment of 12 months up to 10 years.***

Personal information does not refer to information that is already in the public domain or is not used or intended to be used for the purpose of trade and commerce.

### What are the information processing conditions?

The POPI Act includes eight information processing principles or conditions, namely: accountability, data subject participation, and further processing limitation, information quality, openness, processing limitation, purpose specification and security safeguards. These conditions ensure improved data quality and business management.

### Who is the Information Regulator?

The Information Regulator is an independent juristic body that has been appointed in 2016 in terms of POPI. The Information Regulator is, among others, responsible for educating the public about OPOPI, handling of complaints, enforcing and monitoring of compliance etc. SERR Synergy assist businesses and organisations to fully comply with procedures as required by POPI by setting up a comprehensive *Information Security Management System (ISMS)*.

