



POPIA 101

THE PROTECTION OF PERSONAL INFORMATION ACT (POPIA)

What is personal information?

Information that relates to an identifiable human being;
OR
Information that relates to an identifiable entity (such as a business, trust, company, or organisation).

Personal information = information that relates to a person or entity.

What does this mean?

Personal information is a link that leads others to you. Your contact number links you to others. Through it, they can contact you. The same applies to your e-mail address and other contact details. Your identity number is a reference number of sorts that links others to you. Your motor vehicle has been registered in your name and if someone should trace your car's registration number, they will be led, once again, to you.

Content featuring your details links back to you. Examples include medical records, financial information, personal or confidential information, and your name and surname.

What is the purpose of the POPIA?

To protect us from the abuse of information that relates to each of us. In other words, it protects South Africans from the abuse of personal information.

Does POPIA apply to your company?

Yes. We all need to ensure that we treat personal information lawfully and responsibly. **Note that the processing of personal information for the purposes of journalism is governed by the Press Code.**

We have a lot of data that we collected and shared before POPIA existed. How does POPIA affect that data?

POPIA does not apply retroactively.

If you collected someone's personal information prior to the days of POPIA, and if you still need it, you may lawfully have it. However, POPIA will affect how you deal with it going forward. POPIA also affects how you will collect and process personal information in future.

If your line manager is unsure regarding a personal information request, this should be escalated to the relevant management and, if necessary, to the company's Information Protection Officer.

Collecting personal information:

You may only collect someone's personal information if you have their informed consent.

The person or entity must know:

That the information will be safely stored at your place of work; what the purpose of collecting the information is; that they may contact you at any time to update their contact details; or to have it destroyed; and that they may contact the company's Information Protection Officer if they have any questions; that they may also approach the Information Regulator for more information on POPIA.

Using personal information:

The act refers to the 'processing of personal information' – this refers to any saving, working with, or re-working of personal information.

You may only process someone's personal information if:

The information is used in connection with the purpose for which it was collected, and the person/entity to whom the information relates agreed to its use for this purpose.
You only use the minimal amount of personal information you need in order to effect your purpose.
The person/entity to whom the personal information relates knows what his/her rights are in terms of POPIA.

Using personal information for a purpose other than that for which it was initially obtained:

The person/entity needs to be notified of the purpose for which you want to use the personal information, and needs to agree to usage of their personal information for that new purpose.

Other comments:

You may not share personal information from your records if the person or entity whose data is requested, has not agreed. If you are faced with such a request, you will take it up with your line manager. You will destroy personal information as soon as you no longer need it for the purpose that caused you to get it, or for purposes prescribed by your manager, law or accounting practices.

