



## The Protection of Personal Information (POPI) Act What is it? What should you do about it?

Do you remember the old story about how to get things moving? That's right, the one about the stick and the carrot. Well now we have something new to focus our attention on: The Protection of Personal Information (POPI) Act. The POPI Act was signed into law in late 2013, and partially came into force during 2014.

### **So where are the “stick and carrot” for POPI Act compliance?**

Think about how broad the definition of “personal information” can be: customers, employees, suppliers, in fact anyone we interact with as an organisation has personal information. Get it wrong in terms of compliance with the POPI Act and potentially stiff penalties could be heading your way, with fines of up to R10 million and potential time behind bars, as well as reputational damage and potential loss of income as a result. That's the “stick” part of the story.

Get it right in processing personal information in accordance with the POPI Act and you can enhance your reputation with all your stakeholders. The “carrot” aspect also recognises the opportunity to boost confidence in your business by demonstrating the way you provide leadership and good governance in the way you process personal information. Get really creative and you will discover the POPI Act can help you to create new products and services, address new markets and keep ahead of your competitors while delighting your stakeholders.

### **What are the origins of the POPI Act?**

Data Privacy and Data Protection Acts have existed in many other countries, in some cases for as long as thirty years. For example, the first Data Privacy Act was passed in the UK in 1984, and later updated in 1998 in response to the European Union (EU) Data Protection Directive of 1995. The POPI Act is largely based on a combination of the EU and UK legislation, whilst being written to meet South African and international stakeholder needs.

### **What are some examples of what POPI Act compliance means for my organisation and its stakeholders?**

- Personal information such as employee and customer information will have to be protected and processed in a compliant way, in accordance with the conditions of the POPI Act;
- Employee and customer information may not be disclosed to another party without the data subject's consent;
- Employee and customer information will have to be destroyed in a compliant manner when the purpose for which the information is held is no longer valid;
- Steps should be taken to ensure that personal information stored on all types of media – electronic or not - is adequately protected.
- Everyone in your organisation will need to be trained to understand their responsibilities under the POPI Act.

### ***POPI Act 8 Conditions for lawful processing of personal information***

- ***Accountability*** = assigning ownership in your organisation;
- ***Processing Limitation*** = processing information for lawful reasons and in a manner that does not infringe privacy;
- ***Purpose Specification*** = only obtaining and holding personal information for a specific purpose;
- ***Further Processing Limitation*** = Further processing of personal information must be compatible with the purpose for which it was collected;
- ***Information Quality*** = ensuring that information is complete and accurate;
- ***Openness*** = informing individuals that their information has been obtained and the purpose thereof;
- ***Security safeguards*** = the integrity of personal information must be secured using appropriate, reasonable, technical and organisational measures;
- ***Data Subject Participation*** = a data subject has the right to request access to their personal information that you hold; to request the information is deleted or corrected if appropriate.



## So where should you start?

### Free IACT-Africa POPI Act Compliance Assessment

Before you commit to any of our products or services, why not take advantage of our offer of a no-charge assessment? This free web-based assessment is offered to help you gain an understanding of your readiness for POPI Act compliance. Please contact us for a link and password to take up this offer.

An assessment of your status of compliance with the POPI Act is a good place to start. Compliance gaps can be identified and plans for more detailed analysis and remedial action can be developed based on the outcome of the free assessment.

Then you can choose to work with us. IACT-Africa offers a range of effective and affordable products and services with our strategic partner PTC ([www.p-t-c.co.za](http://www.p-t-c.co.za)) to fast track your POPI Act compliance initiatives.

### IACT-Africa POPI Act Compliance Products

- **IACT-Africa POPI Essentials Licence:** designed to meet the needs of the Micro-sized organisation. Ideal for Sole Trader and Professional Practice usage. Covers all the essentials which will support your POPI Act compliance initiatives;
- **IACT-Africa POPI Core Licence:** designed to meet the needs of the Small-to-Medium-sized organisation. Includes the contents of the Essentials Licence plus additional features and functionality which will support the more demanding size and complexity of your POPI Act compliance initiatives;
- **IACT-Africa POPI Extended Licence:** designed to meet the needs of the Enterprise-sized organisation. Includes the contents of the Core Licence plus additional features and functionality which will support the most demanding size and complexity requirements for POPI Act compliance initiatives.

All of these IACT-Africa POPI Licence options are available on a self-implementation basis and can optionally be supported by our Compliance Services as outlined next.

### IACT-Africa POPI Act Compliance Services

- **IACT-Africa POPI Implementation Support Service:** designed to complement the IACT-Africa POPI Licence option which best meets your needs. A set of pre-defined services to support your POPI Act compliance preparation project. Typically ranges from 10 to 40 hours in duration for SME organisations. Larger organisations / multi-instance scenarios subject to investigation.
- **IACT-Africa POPI Implementation On-demand Service:** designed to be used by IACT-Africa clients who need Ad Hoc support for the IACT-Africa POPI Licence self-implementation option; also for those who have completed their compliance preparation project and need additional support.
- **IACT-Africa POPI Licence Updates Service:** provides periodic updates to the contents of your selected IACT-Africa POPI Licence. Available on an optional annual contract.

*New from September 2015: "POPI Works" in partnership with Media Works: "POPI Works" online POPI compliance training. Comprises six modules, including a knowledge assessment. Available on mobiles, tablets and PCs.*

For more information please visit the POPI page on our website <http://www.iact-africa.com/popi.html>. To contact us: John Cato 083-726-9228; Dr Peter Tobin, 083-922-3444; Office 010-500-1038; on the web <http://www.iact-africa.com/contact-us.html>. You may also follow us on Twitter: @sapopitalk.

*"Both Mr Cato and Dr Tobin have proven themselves to be knowledgeable about the POPI Act and how to prepare our organisation for compliance. We are happy to recommend their services."*

*Mr Bill Bayley, Managing Director, Rexel Office Products (Pty) Ltd [www.rexelsa.co.za](http://www.rexelsa.co.za)*