

POPI

PROTECTION OF
PERSONAL INFORMATION



KAEFER

All your POPI questions answered.

TO WHOM DOES POPI APPLY?



POPI APPLIES TO

Any public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information (responsible party)

Any person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of the responsible party.



Does POPI also apply to personal information of companies?
Yes.

What is personal information?

Personal information is extremely widely stated and includes any information that can identify a person including but not limited to:



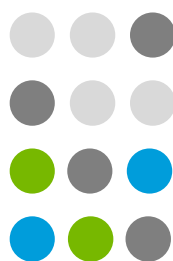
Email,
telephone,
address etc.

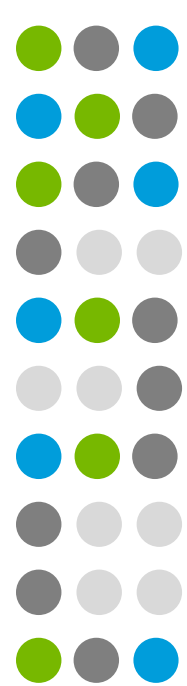
CONTACT DETAILS



Age, sex, race,
birth date,
ethnicity etc.

DEMOGRAPHICS





Employment,
financial,
educational,
criminal,
medical history

HISTORY



Opinions of and
about the person

OPINIONS



Biometric
information
Blood type etc.

BIOMETRICS



Private
correspondence

CORRESPONDENCE

When will POPI affect me?



The POPI commencement date (or POPI effective date) is 1 July 2020. The President has proclaimed 1 July 2020 to be the date. It is important because a grace period of one year starts running from the commencement date and then the clock starts ticking. Now that it has commenced, you must ensure that you comply with the POPI Act as the Information Regulator will start enforcing the POPI Act one year after the commencement date.

WHY SHOULD I COMPLY WITH POPI?

1

POPI promotes transparency with regard to what information is collected and how it is to be processed. This openness is likely to increase customer confidence in the organisation.

2

POPI compliance involves capturing the minimum required data, ensuring accuracy, and removing data that is no longer required. These measures are likely to improve the overall reliability of the organisation databases.

3

Compliance demands identifying Personal Information and taking reasonable measures to protect the data. This will likely reduce the risk of data breaches and the associated public relations and legal ramifications for the organisation

What is the sanction for non-compliance with POPI?

Non-compliance with the Act could expose the Responsible Party to a penalty of a **FINE OF R10 MILLION** and / or imprisonment of up to 10 years.



WHAT ARE THE TRANSITIONAL PROVISIONS PROVIDED FOR BY POPI?

Processing of personal information which is taking place on the date when POPI comes into force and does not conform to POPI must comply within one year of such date.



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When it counts, count on us.