

# PROTECTION OF PERSONAL INFORMATION LEGISLATION

**The Act and Regulations came into effect on 1 July 2020 and provide a 12-month grace period for implementation through to the 1 July 2021**

This Protection of Personal Information guide is made up of three documents.

Document 1 – Broad guidelines on how to go about implementation - ten key steps

Document 2 – Simplified summary of the key sections provided for in the POPIA legislation

Document 3 - Combined Act and Regulations

The contents of document 2 are set out below, you would have received a copy of document 1 by email and the contents of documents 3 can be viewed and downloaded from the FEDHASA website.

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## Document 2

### Simplified summary of the key sections provided for in the POPIA legislation

#### Introduction

The Protection of Personal Information legislation will affect businesses in varying ways – unfortunately it is not a case of one size fits all. The various comments, observations and recommendations set out in these guides have been provided with small business in mind rather than the large and or corporate establishments and organisations that undoubtedly have the expertise, manpower and financial resources to administer the requirements either internally or externally.

It is important to note that this document serves as a basic guide and that it is intended to point you in the right direction as far as compliance and implementation is concerned. As legislative consultant to FEDHASA, it should be noted that I am not a lawyer and that any comment expressed in this document does not represent a legal opinion but my own personal point of view.

The information contained in document 2 is, in the main, set out in plain language where possible and summarised to a fair degree. It is therefore suggested that the information provided is not be acted upon in isolation but read in conjunction with the actual provision(s) of the legislation to which it applies. Although this a fairly lengthy document there are a considerable number of provisions that do not directly apply when it comes to implementation.

Should you wish to view the published Act and Regulations you can go to - The Information Regulator

Website address - <https://www.justice.gov.za/infoereg/>

See “Documents” where you will find the following -

- The Protection of Personal Information Act 4 of 2013
- The Protection of Personal Information Regulations 14 Dec 2018
- Protection of Personal Information Act: Commencement of certain sections

**The page numbers listed on the right hand side of each section heading below, refer to the complete combined Act and Regulation document 3 on the FEDHASA website and not the published gazettes of 2013 and 2018.**

<p style="text-align: center;"><b>CHAPTER 1</b> <b>DEFINITIONS AND PURPOSE</b></p>
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## Section 1 - Definitions

Pages 5 to 7

As mentioned in document 1, it is important that you read through and understand the definition of “personal information” and “processing” from the outset. They are fairly lengthy but set out the precise personal information that is protected by the Act. In addition, refer to the remaining definitions [where applicable] as and when you are unsure as to the specific meaning of a particular word or phrase.

**“personal information”** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-

- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- (b) information relating to the education or the medical, financial, criminal or employment history of the person;
- (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- (d) the biometric information of the person;
- (e) the personal opinions, views or preferences of the person;
- (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- (g) the views or opinions of another individual about the person; and
- (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;

**“processing”** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including-

- (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- (b) dissemination by means of transmission, distribution or making available in any other form; or
- (c) merging, linking, as well as restriction, degradation, erasure or destruction of information;

## Section 2 - Purpose of the Act

Pages 7 & 8

Broadly speaking, the purpose of the Act as set out in section 2 gives effect to the constitutional right to privacy by safeguarding personal information as and when it is collected and processed by businesses and organisations.

## CHAPTER 2

### APPLICATION, INTERPRETATION AND CONDITIONS

Chapter 2 provides a broad outline of the contents of the Act and references the specific sections in Chapter 3 that expand on the many conditions and exemptions that apply when processing personal information.

## Section 3 - Application and interpretation of Act

Page 8

Refers to the automated and or non-automated processing of personal information as it applies to all local and foreign organisations processing personal information in South Africa

A reminder that “processing personal information” embodies matters such as –

- ✓ how it is collected
- ✓ when it is collected
- ✓ from whom it is collected

- ✓ under what circumstances it is collected
- ✓ whether it is lawfully collected
- ✓ Whether it is lawful to retain and or collect such information
- ✓ how it is used
- ✓ who has access to it
- ✓ how it is stored
- ✓ where it is stored
- ✓ how it is secured
- ✓ how it is deleted or removed

#### **Section 4 - Lawful processing of personal information**

**Pages 8 & 9**

Section 4 is essentially a broad user's guide and sets out all of the conditions and prohibitions applicable to the processing of personal information and refers to specific sections of the Act that expand on these requirements. In addition, it sets out a number of exclusions and exemptions to some of the conditions and refers to the sections within the Act that provide a full explanation. Read through sub-sections (2) to (7) of Section 4 to get an idea as to where in the Act the various exclusions and exemptions are covered.

The specific conditions are -

- ✓ "Accountability" [section 8]
- ✓ "Processing limitation" [sections 9 to 12]
- ✓ "Purpose specification" [sections 13 and 14]
- ✓ "Further processing limitation" [section 15]
- ✓ "Information quality" [section 16]
- ✓ "Openness" [sections 17 and 18]
- ✓ "Security safeguards" [sections 19 to 22]
- ✓ "Data subject participation" [sections 23 to 25]

#### **Section 5 - Rights of data subjects**

**Pages 9 and 10**

Section 5 sets out the rights of the data subject and refers to the various sections of the Act that provide and expand on each of these rights. Section 5 can be used as a guide for establishing which sections of the Act deal with and expands on the rights of the data subject.

#### **Sections 6 and 7 – Exclusions**

**Pages 10 and 11**

Sections 6 and 7 set out various exclusions from the Act concerning the processing of personal information. These include, amongst others, information processed in the course of a purely personal or household activity, information that has been de-identified to the extent that it cannot be re-identified again, information processed by or on behalf of a public body under certain conditions and certain information processed for journalistic, literary and or artistic purposes.

### **CHAPTER 3**

#### **CONDITIONS FOR LAWFUL PROCESSING OF PERSONAL INFORMATION**

Chapter 3 expands fully on the lawful requirements provided for in the Act and is therefore fundamental to understanding what you may or may not do when it comes to the “processing of personal information” as defined. Initially and as mentioned in STEP 3 above, read through Chapter 3 below and familiarise yourself with the content.

**NB** - Once you commence applying the various prerequisites of the Act please note that the information provided below should then be read in conjunction with the applicable provisions of the Act before implementing any of the many requirements.

## **Part A**

### **Processing of personal information in general**

Part A of Chapter 3 provides for the lawful processing of personal information in general and sets out the 8 specific conditions under which processing may take place. These 8 conditions are fundamental to understanding the requirements of the Protection of Personal Information Act.

#### **Condition 1 – Accountability**

##### **Section 8: Responsible party to ensure conditions for lawful processing**

**Page 11**

Pretty straight forward and essentially confirms the need to ensure that personal information is processed as set out in Chapter 3.

#### **Condition 2 - Processing limitation**

##### **Section 9: Lawfulness of processing**

**Page 11**

Again straight forward - confirms the need to process the information lawfully and in a manner that does not infringe on the data subjects privacy

##### **Section 10: Minimality**

**Page 11**

Short and to the point - personal information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.

##### **Section 11: Consent, justification and objection**

**Pages 11 & 12**

Sets out a crucial principle -

The processing of personal information may only take place if –

- a competent person, where the data subject is a child, consents to the processing
- it is in the performance of a contract to which the data subject is party
- it complies with an obligation imposed by law
- it protects a legitimate interest of the data subject;
- the data subject consents to the collection
- it is necessary for the proper performance of a public law duty by a public body
- it is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied.

**Important to note** that the onus is on you, as the responsible party, for obtaining the data subjects consent when processing personal information and that if a data subject has objected to the processing on reasonable grounds, then you may no longer process the information providing that the lawfulness, if applicable, is not affected.

#### **Check-in/Registration Form**

Taking the above into account, it may well be worthwhile for accommodation establishments to divide their registration form into three specific sections.

#### **Section 1] Personal information required by the Immigration Act and Regulations**

Clearly stating it complies with the requirements of the Immigration Act and Regulations. Set out each specific heading for the guest to complete together with his or her signature

**Section 2] Personal information required for billing/payment purposes**

Clearly stating that it provides for essential billing/account payment details. Again set out each heading for the guest to complete together with his or her signature confirming agreement that you may record such information

**Section 3] Personal information for marketing/promotional (or any other purpose) for which you require the data subjects consent.**

Clearly stating that this section is provided for marketing/promotional (or any other purpose) purposes and that completion is entirely voluntary. Set out each heading for the guest to complete together with his or her signature of consent or refusal as the case may be.

**NB** If the information supplied by the guest in section 1 and 2 have provided you with sufficient personal information for marketing or promotional purposes (or any other purpose) you will still need to add a third section requesting permission to use the information for that purpose. You will need to state clearly that the guest may agree to or refuse such permission and you will need to obtain his or her signature as confirmation of the decision.

**Section 12: Collection directly from data subject**

**Pages 12**

Although Section 12 requires that you collect personal information directly from the data subject, it also provides you with various circumstances when this is not necessary.

For example, amongst others, when the information -

- is obtained from a public record
- has been made public by the data subject
- is obtained from another source and does not prejudice the legitimate interest of the data subject,
- maintains the legitimate interests of the responsible party to whom the information is supplied,
- is such that compliance would prejudice a lawful purpose
- is such that compliance is not reasonably practicable in the circumstances of a particular case.

**Condition 3 - Purpose specification**

**Section 13: Collection for specific purpose**

**Page 12**

Section 13 provides that personal information be collected for a specific, explicitly defined and lawful purpose related to a function or activity of the public or private body.

In addition, the public or private body must take steps to notify the data subject when collecting personal information in a manner as set out in section 18(1) to (3) unless the provisions of section 18(4) apply. [see condition 6 below]

**Section 14: Retention and restriction of records**

**Page 13**

This section provides that personal information must not be retained any longer than is necessary for achieving the purpose for which it was collected or subsequently processed.

However there are a number of exceptions to this requirement as set out in subsections 1 to 8. An example of an exception would be the retention of a record that is required or authorised by law such as the specific information recorded on guest registration forms which, in terms of the Immigration Act and Regulations, must be retained for 2 years.

**Section 14** is the key when it comes to the personal information that you currently have on record which may have been collected and stored over a number of years. It is a must that you read through subsections 1 to 8 and

Identify those exceptions and or conditions that apply to the personal information you currently retain and take the appropriate action.

**Special note - subsection 14(4) & 14(5)**

14(4) A responsible party must destroy or delete a record of personal information or de-identify it as soon as reasonably practicable after the responsible party is no longer authorised to retain the record in terms of subsection (1) or (2).

14(5) Destruction or deletion of a record of personal information in terms of subsection (4) must be done in a manner that prevents its reconstruction in an intelligible form

When it comes to deleting personal information recorded and retained by an automated IT processing programme/system, it would be wise to consult your IT service provider re the best way to “prevent its reconstruction in an intelligible form”. Just deleting the information may not be sufficient.

**Condition 4 - Further processing limitation**

**Section 15: Further processing to be compatible with purpose of collection**

**Page 13 & 14**

Deals with the processing of personal information in a manner which differs from what was intended when it was originally collected – referred to as “further processing”

If you plan to use any of the personal information you have on record for a purpose other than the one it was originally obtained for, then you need to read through section 15.

**Condition 5 - Information quality**

**Section 16: Quality of information**

**Page 14**

You need to take reasonable steps to ensure that the personal information you have on record or plan to collect in the future is complete, accurate, not misleading and updated where necessary relative to the purpose for which it was collected.

**Condition 6 - Openness**

**Section 17: Documentation**

**Page 14 & 15**

A responsible party (you) must maintain the documentation of all processing operations under its responsibility as referred to in section 51 of the Promotion of Access to Information Act. Section 51 deals with the compilation of a manual as provided for in the Promotion of Access to Information Act. An example of the Promotion of Access to Information Act manual can be obtained from your FEDHASA regional office.

**Section 18: Notification to data subject when collecting personal information**

**Page 15 & 16**

An extremely important section if you collect any personal information from a data subject. You as the responsible party are obliged to ensure that the data subject is aware of the details as set out in sub-sections 1 (a) to (h). It would be wise, as an example, to take these requirements into account when setting out any terms and conditions or redesigning your guest reservation and or check in registration forms. Take specific note of subsection 1(h)(i) to (v).

Sub-section 4(a) to (f) provides exceptions to the compliance requirements set out in sub-section 1

**Condition 7 - Security safeguards**

**Section 19: Security measures on integrity and confidentiality of personal information**

**Page 16**

You as the responsible party must protect personal information against unauthorised destruction, unlawful access and unlawful processing. In order to achieve this, you will need to identify all the reasonably foreseeable internal and external risks and implement appropriate measures to mitigate these risks. In addition, you will need to constantly review these measures and update them when required. You will also need to consider any general and or industry specific accepted information security practices and procedures.

**Section 20: Information processed by operator or person acting under authority**

**Page 16**

Anyone processing personal information on your behalf must do so only with your express knowledge and consent and must treat the information as confidential and must not disclose it unless required to do so by law or in the proper performance of their duties.

**Section 21: Security measures regarding information processed by operator**

**Page 16**

You must ensure that a written contract is in place with the authorised operator(s) confirming that they understand the need to maintain all of the measures as set out in section 19 above and that they, the operators, must notify you the moment they suspect that personal information has been accessed or acquired by an unauthorised person

**Section 22: Notification of security compromises**

**Page 17**

If there are reasonable grounds to believe that the personal information has been accessed or acquired by an unauthorised person, the responsible party must notify the Regulator and the data subject (unless the identity of the data subject cannot be established). Notification must be made as soon as is reasonably possible taking into account the needs of law enforcement or any measures reasonably necessary to determine the scope of the compromise and to restore the integrity of the responsible party's information system. You may only delay the data subject notification if a public body responsible for the prevention, detection or investigation of offences or the Regulator determines that notification will impede a criminal investigation.

Section 22 Sub-sections (4)(a) to (e) and (5)(a) to (d) set out how you should contact the data subject and what information you must provide the data subject. Sub-section (6) sets out when the Regulator might require you to publicise the breach.

**Condition 8 - Data subject participation**

**Section 23: Access to personal information**

**Pages 17 & 18**

This section deals with various rights of a data subject. Having provided proof of identity a data subject has the right to establish whether or not a responsible party holds any personal information, what that personal information is and the identities of any and all third parties that have access to the information.

When providing such information the responsible party needs to inform the data subject that they may request that the information be corrected. If a fee is required for the information requested by the data subject, the responsible party must provide a cost estimate before providing the information.

The responsible party may or must, as the case may be, refuse to provide information on the basis of Part 3 Chapter 4 of the Promotion of Access to Information Act which provides for access to records of a private body and the specific grounds for refusing access. If only part of the information is protected the remainder of the information must be provided to the data subject.

**Section 24: Correction of personal information**

**Page 18**

A data subject may request a responsible party to correct or delete/destroy personal information in its possession that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully or destroy or delete personal information that is no longer authorised to retain in terms of section 14 which provides for the retention and restriction of records. On receipt of such a request the responsible party must, as

soon as reasonably practical, correct or destroy the information and provide notification in the form of credible evidence of so going. If the responsible party and the data subject are not able to reach agreement on the corrections/destruction of the certain personal data then the data concerned must always reflect that a correction/deletion was requested but not made.

If the changed/deleted information has an impact on past and or future decisions in respect of the data subject the responsible party must, if reasonable practical, inform all parties to whom the data has been disclosed.

#### **Section 25: Manner of access**

**Page 18**

Section 53 of the Promotion of Access to Information Act applies with regards the manner in which a data subject may request corrections/deletion of data as provided for in section 23 above.

### **Part B: Processing of special personal information**

#### **Section 26: Prohibition on processing of special personal information**

**Page 19**

Unless otherwise permitted in terms of section 27, a responsible party may not process personal information concerning religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject or any alleged criminal behaviour or any proceedings in respect of an alleged offence.

#### **Section 27: General authorisation concerning special personal information**

**Page 19**

Section 27 sets out the various conditions under which you may process personal information referred to in section 26 above. Firstly if it is consented to by the data subject, if it is required in defence of a right or an obligation in law, an obligation of international public law, for historical, statistical or research purposes [see further conditions (d)(i) and (ii)], if the information has deliberately been made public by the data subject and if the provisions set out in sections 28 to 33 (see below) are complied with. Lastly, under certain circumstances, the Regulator, on application, may decide that the information is in the public interest and may impose certain conditions.

#### **Section 28: Authorisation concerning data subject's religious or philosophical beliefs**

**Pages 19 & 20**

Provides for specific conditions under which religious and or philosophical beliefs may be processed.

#### **Section 29: Authorisation concerning data subject's race or ethnic origin**

**Page 20**

Provides for specific conditions under which race or ethnic origin may be processed.

#### **Section 30: Authorisation concerning data subject's trade union membership**

**Page 20**

Provides for specific conditions under which trade union membership may be processed.

#### **Section 31: Authorisation concerning data subject's political persuasion**

**Page 20**

Provides for specific conditions under which political persuasion may be processed.

#### **Section 32: Authorisation concerning data subject's health or sex life**

**Pages 20 & 21**

Provides for specific conditions under which a data subjects health or sex life may be processed.

#### **Section 33: Authorisation concerning data subject's criminal behaviour/biometric information**

**Page 21**

Provides for specific conditions under which criminal behaviour or biometric information may be processed.

### **Part C Processing of personal information of children**

**[See definition of “child” in section 1 of the Act]**

**Section 34: Prohibition on processing personal information of children**

**Page 22**

Provides that a responsible party may, subject to section 35, not process personal information concerning a child

**Section 35: General authorisation concerning personal information of children**

**Page 22**

Sets out the conditions under which the prohibition provided for in section 34 above does not apply. Firstly if it is carried out with the prior consent of a competent person (see definition section 1), if it is required in defence of a right or an obligation in law or an obligation of international public law, for historical, statistical or research purposes [see further conditions (d)(i) and (ii)], if the information has deliberately been made public by the child with the consent of by competent person. Lastly, under certain circumstances, the Regulator, on application, may decide that the information is in the public interest and may impose certain conditions.

**CHAPTER 4**

**EXEMPTION FROM CONDITIONS FOR PROCESSING OF PERSONAL INFORMATION**

**Section 36: General**

**Pages 22 & 23**

Provides that the processing of personal information is not in breach if the Regulator grants an exemption in terms of section 37 or if the processing is in accordance with section 38

**Section 37: Regulator may exempt processing of personal information**

**Page 23**

Provides the conditions, circumstances and procedures to be adopted by the Regulator when granting an exemption to a responsible party even although the processing may be in breach of a particular condition(s)

**Section 38: Exemption in respect of certain functions**

**Page 23**

Deals with an exemption from certain sections of the Act if the processing of personal information means a “relevant function” of a public body or if it is conferred on any person in terms of the law. To fully understand this section, read through the definition of “relevant function” provided in section 38 of the Act.

**CHAPTER 5**

**SUPERVISION**

**Part A: Information Regulator and Part B: Information Officer**

**Sections 39 to 56: The Regulator, CEO and Information Officer**

**Pages 23 to 33**

These sections deal with all matters relating to the establishment, powers and members of the Information Regulator together with relevant information on the Chief Executive Officer, staff, enforcement committee and the Information Officer.

**CHAPTER 6**

**PRIOR AUTHORISATION**

**Sections 57 to 59: Notifying Regulator if processing is subject to prior authorisation** **Pages 33 & 34**

Deals with the circumstances under which you will require authorisation from the Regulator prior to processing a “unique identifier” [see definition section 1] or any special information [as set out in section 26]

Examples: If you plan to -

- ✓ Use the information for a reason other than the one originally intended

- ✓ Link this with information processed by other responsible parties
- ✓ Process information on criminal behaviour or unlawful or objectionable conduct on behalf of third parties
- ✓ Process information for the purposes of credit reporting
- ✓ Transfer special information to a third party in a foreign country

Should you at any time consider processing the type of information set out above, read through the remainder of section 57 together with section 58 and 59 which deals with relevant information concerning the Regulator

## CHAPTER 7 CODES OF CONDUCT

### Sections 60 to 68: The Regulator and Codes of Conduct

Pages 34 to 37

Sets out all of the conditions relevant to the issuance and or review of Codes of Conduct and Guidelines by the Regulator and the manner in which any application, from a body considered to be sufficiently representative of an industry or profession, should be considered. A code of conduct may also prescribe procedures for making and dealing with complaints.

## CHAPTER 8 RIGHTS OF DATA SUBJECTS REGARDING DIRECT MARKETING BY MEANS OF UNSOLICITED ELECTRONIC COMMUNICATIONS, DIRECTORIES AND AUTOMATED DECISION MAKING

### Section 69: Direct marketing by means of unsolicited electronic communications

Page 37

As this is a key section and deals with the processing of personal information for marketing and or promotion purposes, I have included the full requirements exactly as set out in the Act.

- (1) The processing of personal information of a data subject for the purpose of direct marketing by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMSs or e-mail is prohibited unless the data subject -
  - (a) has given his, her or its consent to the processing; or
  - (b) is, subject to subsection (3), a customer of the responsible party.
- (2) (a) A responsible party may approach a data subject-
  - (i) whose consent is required in terms of subsection (1)( a); and
  - (ii) who has not previously withheld such consent, only once in order to request the consent of that data subject.

(b) The data subject's consent must be requested in the **prescribed manner and form.**
- (3) A responsible party may only process the personal information of a data subject who is a customer of the responsible party in terms of subsection (1)( b)-
  - (a) if the responsible party has obtained the contact details of the data subject in the context of the sale of a product or service;
  - (b) for the purpose of direct marketing of the responsible party's own similar products or services; and
  - (c) if the data subject has been given a reasonable opportunity to object, free of charge and in a manner free of unnecessary formality, to such use of his, her or its electronic details-
    - (i) at the time when the information was collected; and
    - (ii) on the occasion of each communication with the data subject for the purpose of marketing if the data subject has not initially refused such use.

- (4) Any communication for the purpose of direct marketing must contain -
- (a) details of the identity of the sender or the person on whose behalf the communication has been sent; and
  - (b) an address or other contact details to which the recipient may send a request that such communications cease.
- (5) "Automatic calling machine", for purposes of subsection (1), means a machine that is able to do automated calls without human intervention.

**Section 70: Directories**

**Pages 37 & 38**

This section is unlikely to affect hospitality businesses. However in the event that a business does operate a data subject directory service which is available to the public or obtainable through a directory enquiry service, then they must read through and comply with this section.

**Section 71: Automated decision making**

**Page 38**

Not likely to impact hospitality specifically but important to be aware of this section.

A data subject may not be subject to a decision, which results in legal consequences, based solely as a result of the automated processing of personal information intended to provide a profile of such person including his or her performance at work, or his, her or its credit worthiness, reliability, location, health, personal preferences or conduct. Sub-section (2) provides exceptions to the above and sub-section (3) further obligations on the responsible party.

**CHAPTER 9  
TRANSBORDER INFORMATION FLOWS**

**Section 72: Transfers of personal information outside Republic**

**Pages 38 & 39**

A responsible party (see definition in section 1) based in SA and currently or at any time in the future planning to transfer personal information about a data subject to a third party based in a foreign country, will need to go through this section carefully.

**CHAPTER 10  
ENFORCEMENT**

**Sections 73 to 99: All matters providing for the enforcement of the Act**

**Pages 39 to 48**

These sections essentially deal with complaint handling and provide for, amongst others, complaint procedures, investigations, assessments, warrants, communication, objections, results of assessments and rights of appeal

**CHAPTER 11  
OFFENCES, PENALTIES AND ADMINISTRATIVE FINES**

**Sections 100 to 109: All matters providing for offences and fines**

**Pages 48 to 51**

Self-explanatory and set out various offences, unlawful acts, penalties and administrative fines.

**CHAPTER 12  
GENERAL PROVISIONS**

**Sections 110 to 115: General provisions**

**Pages 51 to 53**

## REGULATIONS

### RELATING TO THE PROTECTION OF PERSONAL INFORMATION

#### Regulations

Pages 53 to 56

Essentially the Regulations provide for all of the official forms relating to various requirements of the Act. In addition and important to note, additional information has been provided in a number of cases relevant to that particular form or action.

A copy of the Regulations can be viewed at -

#### Information Regulator

<https://www.justice.gov.za/inforeg/>

#### Documents

Click on “The Protection of Personal Information Regulations 14 Dec 2018” for access to all official forms and requirements.

Sections in the Regulations are set out as follows –

- Definitions
- Objection to the processing of personal information **Form 1**
- Request for correction or deletion or destruction or deletion of record of personal information **Form 2**
- Responsibilities of Information Officers
- Application for issuing code of conduct **Form 3**
- Request for data subject's consent to process personal information **Form 4**
- Submission of complaint in terms of section 74(1) of the Act **Form 5 Part 1**
- Submission of complaint in terms of section 74(2) of the Act **Form 5 Part 2**
- Regulator acting as conciliator during investigation - notify parties by using **Form 6**
- Regulator acting as conciliator during investigation - conciliation certificate on **Form 7**
- Pre-investigation proceedings of Regulator - **Part 1 of Form 8**
- Regulator to inform responsible party of the complaint - **Part 2 of Form 8**
- Settlement meeting – Regulator to inform parties using **Form 9**
- Settlement meeting – Regulator to provide a settlement certificate - **Form 10**
- Assessments in terms of section 89(1) of the Act – request to be submitted on **Part 1 of Form 11**
- Regulator to inform requester of decision to conduct an assessment using **Part 2 of Form 11**
- Regulator to inform requester of decisions made, action taken and or views using **Form 12**
- Informing parties of investigation developments using various forms depending on situation **Forms 13 to 19**

#### **Please Note –**

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**p.r.cumberlege – May 2021**