

# The Protection of Personal Information Act



## Table of Contents

### POPIA - Module 1 - Introduction to POPIA

This module provides an overview of the rationale for, and aims of, the Protection of Personal Information Act (POPIA). This module also sets out who and what POPIA applies to. (15 minutes)

On completion of this module you should be able answer the following questions:

- ▶ What is POPIA?
- ▶ What are the aims of POPIA?
- ▶ To what does POPIA apply?
- ▶ When does POPIA not apply?
- ▶ When do you have to comply with POPIA?
- ▶ Whose information does POPIA protect?
- ▶ Who must comply with POPIA?
- ▶ Does POPIA apply to information gathered before it came into effect?

### POPIA - Module 2 – Personal Information

This module explains what is meant by personal information and special personal information. It sets out the rule that Your Company needs to consider and comply with when processing special personal information and when processing the information of children. (30 minutes)

On completion of this module you should be able answer the following questions:

- ▶ What is "personal information"?
- ▶ How does POPIA regulate the processing information about children?
- ▶ What is "special personal information"?
- ▶ What is special about "special personal information"?
- ▶ Who are approved processors of religious or philosophical beliefs?
- ▶ Who are approved processors of information about race and ethnic origin?
- ▶ Who are approved processors of information about trade union membership?
- ▶ Who are approved processors of information about political persuasions?
- ▶ Who are approved processors of information about a person's health and sex life?
- ▶ Who are approved processors of information on criminal behaviour?



COMPLY!

# The Protection of Personal Information Act

## POPIA – Module 3 – Processing

This module explains what is meant by "processing" and gives an overview of the types of processing activities that are excluded from the provisions of POPIA. The module also explains the rules that must be followed when processing personal information to ensure that is processed lawfully, i.e. in compliance with POPIA. (15 minutes)

On completion of this module, you should be able to answer the following questions:

- ▶ What is meant by "processing"?
- ▶ Does POPIA apply to processing done by a computer?
- ▶ Are marketing activities regulated by POPIA?
- ▶ May Your Company outsource the processing of PI?
- ▶ What is "lawful" processing?

## POPIA - Module 4 – Purposeful processing of personal information

This module explains how Your Company can ensure that it complies with the first requirement of POPIA for the lawful processing of personal information: the processing must be done for a clearly defined and limited PURPOSE (or purposes). (20 minutes)

On completion of this module, you should be able to answer the following questions:

- ▶ What rules must be complied with before processing personal information?
- ▶ Why is it important to formulate the purposes for the processing of personal information?
- ▶ How specific must the purpose/s of processing be?
- ▶ Can there be more than one purpose for processing personal information?
- ▶ Can you process information for a purpose other than for the purpose it was originally collected?
- ▶ Must Your Company record the purposes of collecting personal information?



# The Protection of Personal Information Act

## POPIA - Module 5 – Transparent processing of personal information

In Module 4 we discussed the steps Your Company needs to take to ensure the purposeful processing of information. POPIA also requires Your Company to be TRANSPARENT about the fact that it is collecting personal information and about what it intends to use the information for. (20 minutes)

On completion of this module, you should be able to answer the following questions:

- ▶ What are the POPIA rules to ensure transparent processing?
- ▶ When do you NOT have to notify a person?
- ▶ When may Your Company insist on processing of personal information?
- ▶ Must a person have access to his, her or its personal information?
- ▶ What information may a person request from Your Company?

## POPIA - Module 6 – Authorised processing of personal information

The principal duty of Your Company is to ensure that personal information is processed legally and in a way that does not negatively infringe the privacy of a person.

POPIA therefore requires that the processing of personal information must in certain cases be CONSENTED to, or AUTHORISED by, the affected party or the Information Regulator.

This module explains under what conditions consent and/or authorisation is required BEFORE Your Company may process personal information. (30 minutes)

On completion of this module, you should be able to answer the following questions:

- ▶ Should Your Company ask for consent?
- ▶ When does Your Company not have to ask for consent?
- ▶ May consent be withdrawn?
- ▶ When must prior authorisation be obtained from the Information Regulator?
- ▶ When do you NOT need authorization to send information to another country?



# The Protection of Personal Information Act

## POPIA - Module 7 – Accurate processing of personal information

POPIA requires that Your Company must make sure that the personal information in its possession is of a good quality, not misleading and up to date, in short, the information must be ACCURATE.

This module explains Your Company's responsibilities regarding the quality and maintenance of personal information. (20 minutes)

On completion of this module, you should be able to answer the following questions:

- ▶ What are the POPIA rules to ensure the accuracy of personal information?
- ▶ Who may supply personal information to Your Company?
- ▶ May you collect more information than you need for your purpose?
- ▶ How can Your Company ensure that personal information is up to date?
- ▶ May a person request to update or change personal information?
- ▶ When may records be retained longer than required?

## POPIA - Module 8 – Secure processing of personal information

POPIA requires that the processing of personal information is done in a SECURE manner. Accordingly, POPIA is very strict about information security and imposes an obligation on your company to let data subjects know if you have a security breach.

This module explains what a security breach would be and what actions you should take to deal with it. (30 minutes)

On completion of this module, you should be able to answer the following questions:

- ▶ What is a security breach?
- ▶ How can Your Company secure its information?
- ▶ What would be considered to be "reasonable measures"?
- ▶ How should you secure the outsourcing of processing of personal information?
- ▶ What should Your Company do in the case of a security breach?
- ▶ How must you notify affected parties of the security breach?



# The Protection of Personal Information Act

## POPIA - Module 9 - The powers of the authorities

This module explains how and by whom POPIA is enforced. (15 minutes)

On completion of this module, you should be able to answer the following questions:

- ▶ Who enforces POPIA?
- ▶ What are the powers of the Information Regulator?
- ▶ What investigative powers does the Information Regulator have?
- ▶ What happens if Your Company is believed to have contravened POPIA?
- ▶ What are the consequences of non-compliance with POPIA?

