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When the **Protection of Personal Information Act** was signed into law by President Zuma in November 2013. It was hailed as a legal landmark, laying down sweeping reforms required by public and private sectors to ensure that the personal information and data collected are protected. The Act provides strict guidelines on what data can be obtained, how that data can be used, and the requirement that it should be kept up-to-date.



POPI is a comprehensive legislation designed to protect the South African consumer. The initial drafts became a popular subject of choice in the media and on social media channels, and a number of workshops were organised by legislation experts to clarify the proposed actions required for compliance.

Coverage has dwindled considerably since the signing of the Bill into an Act, due in part to the Government taking almost 3 years to appoint an Information Regulator and supporting persons. Those responsible for taking POPI forward have now been appointed, and hopefully an implementation date will be announced soon by the President.

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A video of the process can be viewed on the **Michalsons** website, from which the paragraph below was also sourced.

*'Today, 7 September 2016, the South African National Assembly voted in favour of the appointment of the Information Regulator for POPI and PAIA. Parliament voted for the five nominated candidates to run the newly-formed office of the Information Regulator. This is not the first time Parliament has had this vote, but, this time, the vote was successful. This recommendation will be referred to the Minister of Justice and Correctional Services. The office of the **Information Regulator** will be made up of **Adv Pansy Tlakula** as the chair, **Adv Cordelia Stroom** and **Mr Johannes Weapond** as full-time members, and **Prof Tana Pistorius** and **Mr Sizwe Snail** as part-time members.'*

So how does this affect you?

Compliance to POPI is mandatory, with hefty fines and prison time mooted as punishment for non-compliance. Organisations such as banks, insurance companies and medical aid suppliers, with their extensive databases on which their very existence depended, had the financial muscle to start the complex compliance process immediately. But even they will have felt the pressure of the costs of the extra administration that compliance would need, such as the employment of specialised privacy officers, IT experts and business auditing service providers. Small to medium-sized companies rushed to attend workshops, some of which were hastily arranged by 'fly-by-night' operators using scare tactics.

Unfortunately, the information slowdown has lulled a number of companies into a false sense of security and the urgency of compliance has slipped down many a 'To Do' list. Perceptions are that the impact on their business and their level of active preparedness is no longer necessarily urgent, with a 'wait and see' attitude.

Now that the Regulator and supporting panel have been announced, it is time to ensure that the processes of compliance are in place. There will be a year's grace from the announced implementation date, but we all know how quickly time can pass!

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