



**INFORMATION
REGULATOR**
(SOUTH AFRICA)

Annual Performance Plan

2024/2025



Information Regulator

Annual Performance Plan

2024/2025

The Information Regulator (South Africa) is an independent body established in terms of Section 39 of the Protection of Personal Information Act 4 of 2013. It is subject only to the law and the constitution and it is accountable to the National Assembly.

The Information Regulator is, among others, empowered to monitor and enforce compliance by public and private bodies with the provisions of the Promotion of Access to Information Act, 2000 (Act 2 of 2000), and the Protection of Personal Information Act, 2013 (Act 4 of 2013).



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List of Abbreviations

AG	Auditor-General
AOP	Annual Operational Plan
APP	Annual Performance Plan
BASA	Banking Association of South Africa
CBA	Credit Bureau Association
CEO	Chief Executive Officer
CFO	Chief Financial Officer
CLO	Chief Legal Officer
CIO	Chief Information Officer
CPS	Cash Payment Services
DA	Democratic Alliance
DOJ&CD	Department of Justice and Constitutional Development
EAs	Excellence Awards
EDUCOM	Education and Communication
FIC	Financial Intelligence Centre
FY	Financial Year
ICT	Information and Communication Technology
IO	Information Officer
KZN	Kwazulu-Natal
MMA	Media Monitoring Africa
MTSF	Medium Term Strategic Framework
PAIA	Promotion of Access to Information Act
PFMA	Public Finance Management Act
PESTEL	Political, Economic, Social, Technological, Environmental and Legal
POPIA	Protection of Personal Information Act
PP	Public Protector
SARS	South African Revenue Services
SASSA	South African Social Security Agency
SCM	Supply Chain Management
SMS	Short Message Service
SP	Strategic Plan
TAA	Tax Administration Act
TID	Technical Indicator Description





Adv. Pansy Tlakula
Chairperson of the Information Regulator SA



Foreword by Chairperson

The year 2024/25 marks a midpoint in the implementation of the Information Regulator's (Regulator) five (5) year strategy adopted in the financial year 2022/23. Rightfully, it is a moment to reflect on what has been achieved halfway through the period and to chart new paths and redouble our efforts in ensuring that ***"all persons are empowered to assert their rights to privacy as it relates to the protection of personal information) and access to information"***.

Year of elections

It is also a momentous year because the Regulator will be implementing its strategy within the context of the seventh general elections that are scheduled to take place on the 29 May 2024. General elections are a key milestone in our democratic dispensation, and each occasion of the elections is to be celebrated as a signpost in the maturation of our democracy. However, elections also require the Regulator to be extra vigilant about the conduct of electoral role-players in terms of the promotion of access to information and protection of personal information.

With the forthcoming general elections, the Regulator has two (2) primary concerns:

- ▶ the handling of personal information of the voters by political parties and other role-players in the electoral process, and
- ▶ the phenomenon of misinformation and disinformation which disrupts the free flow of credible, reliable, and accurate information necessary for making an informed choice, especially during the elections.

POPIA and PAIA during elections

In terms of the Protection of Personal Information Act No 4 of 2013 (POPIA), political parties are responsible parties and, therefore, must comply with the provisions of POPIA. This is more so when political parties include in their campaigns the usage of tools such as robocalls, e-mail campaigns, SMS campaigns and social media messaging.

In terms of promoting access to information and being mindful that the Regulator is the institutional home of the right of access to information, we prioritise the free flow of information, which is an essential component of a democratic system. For members of the public to exercise agency as voters in a democratic system, they need complete, accurate and reliable information about the electoral process and options available to them when they cast their vote.

Priorities for the year ahead

The Regulator will therefore, work with like-minded public institutions and other role players to ensure that personal information is protected and access to information is promoted during the electoral period. The Annual Performance Plan (APP) for the financial year 2024/25 will reflect this strategic concern.

Some of our key areas of work in the 2024/25 financial year will be the following:

- ▶ redoubling our efforts to ensure that both POPIA and the Promotion of Access to Information Act 2 of 2000 (PAIA) complaints, simple and complex, are received, investigated, and completed within the prescribed timeframes.
- ▶ promoting access to information during the elections by launching the results of our PAIA compliance monitoring exercises conducted on political parties.
- ▶ updating and relaunching the Regulator's **"Guidance Note on the Processing of Personal Information of a Voter by a Political Party in terms of POPIA"**.
- ▶ intensifying our work in assessing the compliance of public and private bodies with PAIA and the compliance of responsible parties with POPIA.
- ▶ responding to the ever-present need for capacity building in PAIA and POPIA compliance by increasing the number of education programmes on both laws from eighteen (18) in the 2023/24 financial year to twenty-eight (28) in the 2024/25 financial year.



continuing to take the Regulator to the people through our public awareness programmes and the *Dikopano* sessions.



approving, gazetting and tabling the section 112(2)(c) of POPIA draft regulations which will provide for the processing of health information by certain responsible parties as referred to in section 32(6) of POPIA. The responsible parties referred to include insurance companies, medical schemes, administrative bodies, and pension funds, to name but a few.



responding to the increase in the number of matters that are brought to the Enforcement Committee (which we established in 2022) by introducing mechanisms to improve the efficiency of processes of the Enforcement Committee.

have an impact on reducing the momentum and growth trajectory that the Regulator has established since the coming into effect of the enforcement provisions of POPIA in July 2021. However, the Regulator is ably led by the Members and the Chief Executive Officer, who are well placed to ensure that it holds steadfast in delivering on its mandate despite uncertainties brought by the elections and a challenging funding environment.

Adv Pansy Tlakula

Chairperson: Information Regulator

Navigating fiscal challenges while ensuring service delivery

The Regulator will implement these initiatives in the context of challenging funding conditions. As a result of fiscal constraints faced by the State, the Regulator's budget for the 2024/25 financial year will grow modestly by 1% per cent from R109 million in the financial year 2023/24 to R110 million in the financial year 2024/25. Despite this minimal growth of the budget, there will a reduction in the budget item for Goods and Services, which means that we will have fewer resources with which to pursue our legislative mandate. Interventions that have to be introduced to respond to fiscal constrains may



Mr Mosalanyane Mosala
Chief Executive Officer of the Information Regulator SA



Statement by Chief Executive Officer

The 2024/2025 financial year represents the third year of the implementation of the Strategic Plan (SP) 2022-2027. The Regulator held its organizational strategic and resources planning session in January 2024 to ensure that planning is conducted considering available resources. The development of processes and policies will continue in the 2024/2025 financial year to enable the Regulator to increase its efficiency in delivering on its dual mandate (POPIA & PAIA).

Mid-Term Review: Assessing progress

June 2024 will represent the mid-term of the Regulator's second five (5) year term. To this end, a mid-term review session will be conducted to measure progress regarding the implementation of the outcomes set in the five (5) year strategic plan and the Vision 2026. A mid-term report will be prepared to account for the two and a-half years of delivering the mandate of the Regulator in the current strategic period.

Financial constraints

Like all institutions of the state, the Regulator is facing the specter of budget cuts over the next two (2) financial years, and therefore the delivery of its mandate will be carried out under an environment of difficult financial constraints. It is, therefore, the intention of the Regulator to intensify the solicitation of funding from donors while taking care not to compromise its powers, duties, and independence as set out in the POPIA and PAIA.

Public awareness is key

The stakeholder engagements and taking the Regulator's services to disadvantaged communities remain crucial and will continue in the 2024/25 financial year.

Operational planning and performance

The Medium-Term Expenditure Framework (MTEF) budget is included as part of this APP. The Annual Operational Plan (AOP), which details the activities planned to achieve the indicators, will be finalized at the end of the 2023/2024 financial year to be implemented from 01 April 2024.

In order to strengthen the monitoring of both the APP and the AOP, the Quarterly Review sessions on Combined Assurance and the Values will continue. Despite difficult funding conditions, the Regulator will strive to improve on its performance, which has been recorded in the previous financial years.



Mosalanyane Mosala

Chief Executive Officer

PART A

Our Mandate

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1. Constitutional Mandate

The Regulator was established to ensure respect for, and to protect, enforce and fulfil, the right to privacy and the right of access to information.

2. Legislative Mandate

2.1 The core functions in terms of POPIA are:

2.1.1 To provide education by:

- a) Promoting understanding and acceptance of the lawful processing of personal information.
- b) Undertaking educational programmes.
- c) Making public statements; and
- d) Providing advice.

2.1.2 To monitor and enforce compliance by:

- a) Public and private bodies.
- b) Undertaking research and monitoring developments in information processing and computer technology.
- c) Examining proposed legislation, subordinate legislation, and policies, and providing a report on the results of the examination to the Minister and to Parliament.
- d) Reporting to Parliament on policy matters affecting the protection of personal information, including the need for legislative, administrative or other measures to enhance the protection of personal information.

- e) Conducting assessments in respect of the processing of personal information.
- f) Monitoring the use of unique identifiers and reporting to Parliament.
- g) Maintaining and publishing copies of the registers prescribed in POPIA; and
- h) Examining proposed legislation that makes provision for the collection and disclosure of personal information and providing the report of the results of the examination to the Minister.

2.1.3 To consult with interested parties by:

- a) Inviting and receiving representations.
- b) Co-operating on a national and international basis with other bodies concerned with the protection of personal information; and
- c) Acting as a mediator between opposing parties.

2.1.4 To handle complaints by:

- a) Receiving and investigating complaints.
- b) Gathering information.
- c) Attempting to resolve complaints through dispute resolution mechanisms; and
- d) Serving notices.

2.1.5 To conduct research on:

- a) The desirability of acceptance of international instruments relating to the protection of personal information,
- b) Any other matter that should be drawn to parliament's attention.

2.1.6 In respect of codes of conduct to:

- c) Issue, amend or revoke codes of conduct.
- d) Make guidelines to assist bodies to develop or apply codes of conduct; and
- e) Consider determinations by adjudicators under approved codes of conduct.

2.1.7 The Regulator is mandated to facilitate cross-border cooperation in the enforcement of the privacy laws.

2.2 The core functions in terms of PAIA are:

2.2.1 In respect of complaints to:

- a) Consider a complaint after the internal appeal procedures have been exhausted; and
- b) Receive written complaints or to provide assistance to a person who wishes to make a complaint in writing.

2.2.2 In respect of investigations to:

- a) Investigate complaints and in the course of an investigation, serve an information notice to the information officer or head of a private body.
- b) Refer a complaint to the Enforcement Committee; or
- c) Decide to take no action on the complaint; or
- d) Attempt to settle a complaint through conciliation; and
- e) Issue enforcement notices after considering the recommendation of the Enforcement Committee.

2.3 The Regulator is also mandated in terms of PAIA to,

- a) To issue notices, and
- b) To make assessments on whether public and private bodies comply with the provisions of PAIA.

2.4 In respect of additional functions to:

- a) Compile and make available a guide in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- b) The extent that financial and other resources are available-
 - i. develop and conduct educational programmes, in particular for disadvantaged communities, on how to exercise the rights contemplated in the Act.
 - ii. encourage public and private bodies to participate in the development and conduct of educational programmes, and to undertake such programmes themselves;
 - iii. promote timely and effective dissemination of accurate information by public bodies about their activities.
- c) Identify gaps in PAIA or in other laws and make recommendations to reform or amend PAIA or any other laws.
- d) Make recommendations for –
 - i. the development, improvement, modernisation, reform, or amendment of PAIA or other legislation or common law having a bearing on access to information held by public and private bodies, respectively; and
 - ii. procedures on how private and public bodies make information electronically available.

- e) Monitor implementation of PAIA.
- f) If reasonably possible, on request, assist any person wishing to exercise a right of access to information under PAIA.
- g) Train information officers and deputy information officers.
- h) Recommend to a public or private body to make changes in the manner in which it administers PAIA, as the Regulator considers advisable.
- i) Consult with and receive reports from public and private bodies on problems encountered in complying with PAIA.
- j) Obtain advice from, consult with, and consider proposals or recommendations from parties in connection with the Regulator's functions.
- k) Request the Public Protector to submit to the Regulator a report on the number of complaints processed relating to PAIA and the nature and outcome of those complaints; and
- l) Enquire into any matter including any legislation, the common law, any practice and procedure related to the objects of PAIA.
- m) Submit, in its annual reports to the National Assembly, information contemplated in section 84 of PAIA.

3. Institutional Policies and Strategies Over the Five Year Planning Period

In order to strengthen the work of the Regulator, a Readiness and Separation Project Plan is being implemented. This project plan identifies all the institutional policies and the separation activities which must be completed during the five-year planning period.

4. Relevant Court Cases

4.1 Sakeliga NPC v Auditor-General South Africa [2023] ZAGPPHC 501; 36297/2022 (30 June 2023) (Regulator not a party)

Legislation Challenged/issues dealt with:

1. PAIA application to records (management reports).
2. Auditor General (AG) refused access to management reports, relying on section 44 (1) (a) (i) of PAIA.
3. PAIA amended to include S77A-K.
4. No appeal mechanism – requester may approach the Regulator directly.
5. Exhaust internal remedies (S78 (1) application dismissed).
6. Interpretation of Section 77 A (2): "May" – discretion. Once a requester is aggrieved – the requester may choose not to pursue the matter – if the requester does pursue the matter, the requester must approach the Regulator.
7. Section 10 of PAIA obliges the Information Regulator to provide a guide to the manner in which a person's rights in terms of PAIA must be exercised.

Relevance/significance:

The amendments to PAIA, interpretation of certain sections, and obligations of the Information Regulator.

Actions to be taken:

- » Exhaust internal remedies (S78 (1) application dismissed).
- » Contract to include safeguard measures to secure the privacy of personal information of social grants beneficiaries.

4.2 Black Sash Trust v Minister of Social Development and Others (Freedom Under Law NPC Intervening); 2017 (5) BCLR 543 (CC); 2017 (3) SA 335 (CC) (Regulator a party)

Legislation Challenged/issues dealt with:

1. Applicant sought an order that South African Social Security Agency (SASSA) must file a report and state how they are going to deal with the interim contract with Cash Payment System (CPS) in relation to the payment of social grants.
2. CPS must negotiate the contract in reasonable terms.
3. The contract must contain security safeguards to protect the personal data of social grants, and such information may not be used for any other purposes other than to pay grants.
4. Such information should be returned to SASSA.

Relevance/significance:

Obligations of SASSA and CPS regarding the payment of social grants and the protection of personal data.

Actions to be taken:

- » Contract to include safeguard measures to secure the privacy of personal information of social grants beneficiaries.

4.3 Mani v The Information Officer Mintek and Another (26728/2019) [2021] ZAGPJHC 430 (the Regulator not a party)

Legislation Challenged/issues dealt with:

1. Application in terms of PAIA to seek access to information to protect her right to dignity.
2. Information Officer (IO) - must provide information within prescribed time frames.
3. Non-response – deemed refusal.
4. Section 23 defence – the information is not available. For defence in terms of section 23 to be successful, there must be sufficient and detailed information.

Relevance/significance: Application of PAIA and implications of non-response.

Actions to be taken: None

4.4 Economic Freedom Fighters v Ramaphosa and Others 2021 ZAGPPHC 457 (Regulator a party)

Legislation Challenged/issues dealt with:

The applicant brought an application to uplift a direction to seal Finance Intelligence Centre (FIC) documents that were filed by FIC in a review application that was brought by the first respondent against the report of the Public Protector (PP).

Relevance/significance: The application dealt with open justice – access to court records.

Actions to be taken: None

4.5 Schreiber and Another v African National Congress 2023 ZAGPJHC 78 (Regulator not a party)

Legislation Challenged/issues dealt with:

1. The applicant sought an order declaring the refusal to grant access to information invalid and set aside.
2. The respondent argued that the applicant did not follow the proper procedure in terms of Section 53 of PAIA, and the court had to also decide if the information was required in terms of Section 50(1)(a) of PAIA.
3. The court held that the respondent's decision to deny access to the information was unlawful and invalid and the applicant was granted access to the information.

Relevance/significance: Interpretation of section 78 of PAIA regarding the exhaustion of internal remedies before approaching the Court.

Actions to be taken:

- » The respondent to grant access to the information.
- » No action to be taken by the Regulator.

4.6 Smuts N.O. and Others v Member of the Executive Council: Eastern Cape Department of Economic Development Environmental Affairs and Tourism and Others 2022 ZAECKHC 4 (Regulator not a party)

Legislation Challenged/issues dealt with:

1. An application was made to provide access to all applications received and permits issued by the Department to trap, kill, hunt, or translocate any leopards in or from the Eastern Cape from 2017 to 3 December 2019.
2. Application was made in terms of section 18 of PAIA and was refused, appeal was also refused on the grounds of section 34 of PAIA.
3. Application in court was made in terms of section 78 of PAIA.
4. Decision to refuse access to information was reviewed and set aside.

Relevance/significance: Court canvassed the balance between the right of access to information and the right to privacy. Interpretation of PAIA and the conditions for lawful processing of personal information.

Actions to be taken:

- » Respondent must grant access to information.
- » No action to be taken by the Regulator.

4.7 Arena Holdings (Pty) Ltd t/a Financial Mail and Others v South African Revenue Service and Others 2023 (5) SA 319 (CC) (Regulator a party)

Legislation Challenged/issues dealt with:

1. PAIA application for the tax records of the former President, Mr. JG Zuma.
2. South African Revenue Services (SARS) refused to grant access and relied on sections 34 (1) and 35 (1) of PAIA and 69 (1) of the Tax Administration Act.
3. Applicant lodged the application and sought a declaration that PAIA and the Tax Administration Act (TAA) were unconstitutional to the extent that they did not permit access to a taxpayer's tax information under PAIA by a requester other than the taxpayer concerned, even if it was clearly in the public interest that this information should be disclosed.
4. Reading in relief that would extend the limited public-interest exception in s 46 of PAIA.
5. And an order granting access to Mr. Zuma's tax records.

Relevance/significance: The Constitutional Court confirmed the order of the High Court to declare the provisions of Sections 35 and 46 of PAIA and sections 67 and 69 of TAA unconstitutional.

Actions to be taken:

- » Parliament must amend sections 35 and 46 of PAIA and sections 67 and 69 of TAA.
- » The Regulator must track the progress of this.

PART B

Our Strategic Focus

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5. Our Strategic Focus



5.1 Vision

A world-class institution in the protection of personal information and the promotion of access to information.



5.2 Mission

An independent institution which regulates the processing of personal information and the promotion of access to information in accordance with the Constitution and the law to protect the rights of everyone.



5.3 Values

The Regulator is committed to the values of transparency, accountability, integrity, excellence, impartiality, and responsiveness in each of these dimensions as follows:

5.3.1 Transparency

We are open about our processes and decisions that affect members of the public and members of staff.

5.3.2 Accountability

We take accountability by owning the decisions we make, using work resources responsibly and appropriately; using, sharing, and disclosing information as intended in accordance with POPIA and PAIA.

5.3.3 Integrity

We act honestly, openly, and consultatively in the performance of our work and use our positions fairly and responsibly.

5.3.4 Excellence

We strive for excellence by exceeding standards for service delivery to public and private bodies and public in particular.

5.3.5 Impartiality

We act in the best interests of the public and our staff by making fair, unbiased and objective decisions based on facts and without fear, favour, or prejudice.

5.3.6 Responsiveness

We strive to respond to all requests timely while being attentive to expressed and unexpressed needs.

6. Situational Analysis

6.1 External Environmental Analysis

Political, Economic, Social, Technological, Economic and Legal (PESTEL) analysis was considered in order to identify external factors or environment which have a potential to impact on the implementation of the APP.

PESTEL ¹	Threats (External)	Implications for the Regulator	Opportunities (External)	Implications for the Regulator
Political	<ul style="list-style-type: none"> » The listing of the Regulator in the PFMA. » Regulator being placed under political pressure in the process of its delivery of services. » Changes in Government leadership. » Political uncertainties and unstable political environment. 	<ul style="list-style-type: none"> » Failure to list the Regulator means its independence could be compromised. » Building an area of practice on disinformation and misinformation during the elections and how these impact on access to information. » Conflict of interest » Implementation of the Regulator's mandate and financial independence becomes inefficient and unattainable respectively. » Lack of continuity in supporting the Regulator's work and future strategic activities. » Priorities and policies related to the Regulator may be deprioritised. 	<ul style="list-style-type: none"> » New policies and legislation emanating from the changes in government leadership and political uncertainties can influence the operations of a functional, efficient, and integrated State. These can impact the execution of the mandate of the Regulator. 	<ul style="list-style-type: none"> » New policies and legislation will enhance the implementation of the Regulator's mandate. » The Regulator will need to develop understanding and capacity to propose the necessary policy and legal interventions to prevent misinformation and disinformation from impacting on the free flow of information. » Increased awareness of the Information Regulator.

PESTEL ¹	Threats (External)	Implications for the Regulator	Opportunities (External)	Implications for the Regulator
Economic	<ul style="list-style-type: none"> » Lack of economic growth. » Weak rand. 	<ul style="list-style-type: none"> » The increase of the country's national debt may lead to budget cuts which will have implications on the budget of the Regulator and its ability to carry out its mandate. 	<ul style="list-style-type: none"> » Government initiatives and programmes to revive the economy. » Amendments to the POPIA legislation in order to generate additional income for the Regulator. » Implementation of the POPIA provision relating to generating additional income for the Regulator. 	<ul style="list-style-type: none"> » There would be more resources for the Regulator to carry out its mandate.
Social	<ul style="list-style-type: none"> » High levels of crime as it relates to the protection of personal information. » Low levels of digital literacy » Lack of public awareness and the perception of data protection laws. » Opportunism by complainants. 	<ul style="list-style-type: none"> » Inability to execute the Regulator's mandate efficiently as it relates to the investigation and finalisation of security comprises. » Lack of trust in the Regulator » Cultural and lifestyle diversity may affect the acceptability and impact of data protection practices. » Increase in the number of frivolous and vexatious complaints leading to delays in finalisation. 	<ul style="list-style-type: none"> » Increased advocacy around the protection of personal information. » Building resilience and the importance of security safeguards in protecting personal information. » Collaboration with other entities to enhance the implementation of data protection initiatives to the public. » Research into social aspects of data privacy. 	<ul style="list-style-type: none"> » High level of compliance.

PESTEL ¹	Threats (External)	Implications for the Regulator	Opportunities (External)	Implications for the Regulator
Technological	<ul style="list-style-type: none"> » Challenges in keeping up with the rapidly advancing technology. 	<ul style="list-style-type: none"> » Increasing security compromises. » The Regulator's inability to keep abreast with technologies. 	<ul style="list-style-type: none"> » Ability to leverage on technology to support access to information and protection of personal information 	<ul style="list-style-type: none"> » Adapting to technological changes.
Environmental	<ul style="list-style-type: none"> » Limitations that arise out of disasters. 	<ul style="list-style-type: none"> » Inability to ensure conducive working environment. 	<ul style="list-style-type: none"> » Becoming a greener organisation. 	<ul style="list-style-type: none"> » Business continuity. » Ability to work as per hybrid model.
Legal	<ul style="list-style-type: none"> » Low level of compliance and understanding of legislation by external stakeholders. » Litigation against the Regulator. » Lack of enforcement powers in respect of PAIA compliance and monitoring assessments. 	<ul style="list-style-type: none"> » Inability to fully execute its compliance and monitoring mandate. » Reputational damage. » Apathy by public and private bodies to comply with their PAIA obligations. 	<ul style="list-style-type: none"> » Increase public awareness programmes, education programmes and stakeholder engagements. » Ability to benchmark with other data protection authorities. » Review and amend PAIA and the PAIA Regulations. 	<ul style="list-style-type: none"> » Improved level of compliance » Ability to fully execute compliance and monitoring mandate. » Improved level of compliance by public and private bodies. » Improved confidence in the Regulator.

6.2 Internal Environmental Analysis

In an endeavour to better understand the environment within which the Regulator operates, the Strengths and Weaknesses are analysed below:

6.2.1 Strengths

- » An approved organisational structure which is aligned to our mandate.
- » Critical vacancies filled.
- » The Regulator has effective POPIA enforcement powers.
- » The decisions and the guidance of the Regulator impact the laws and regulations of other industries and sectors.
- » An increase in the understanding of POPIA and data protection laws.
- » The dual mandate of the Regulator enables it to balance the rights of privacy and access to information in execution of such mandates.
- » Increased efficiencies leading to more finalisation of complaints by having mechanisms in place to expedite addressing of complaints and disputes informally.

6.2.2 Weaknesses

- » Human Resource capacity (inability to attract skilled staff and inability to retain skilled staff).
- » No Succession Planning Policy.
- » Lacuna in POPIA not enabling effective enforcement measures.
- » Lack of case management system to effectively manage and address complaints, notifications and queries.
- » Inadequate office space.
- » Lack of adequate training and public awareness on POPIA to the public.

- » Inaccessibility of the Regulator in terms of regional offices and a call centre.
- » Inadequate human resources in relation to the workload.
- » Lack of capacity to keep pace with technological advancements.
- » Lack of jurisprudence.
- » Lack of clear policy positions in respect of certain areas in the Act (legitimate interest, adequacy, electronic communication – telephones).

PART C

Measuring Our Performance

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7. Institutional Programme Performance Information

7.1 Programme 1: Protection of Personal Information

01

Purpose:

To ensure the protection of personal information processed by public and private bodies.

The following are sub-programmes within this programme:

a) Compliance and Monitoring sub-programme

The sub-programme conducts monitoring and enforcement of compliance by public and private bodies in accordance with the provisions of POPIA. It comprises of the following functions:

- » The monitoring and enforcement of compliance by public and private bodies in accordance with the provisions of POPIA (section 40 and 89).
- » Conducting assessments in terms of section 89 of POPIA to establish whether a public or private body generally complies with the provisions of POPIA.
- » Authorising the responsible party to process Special Personal Information in terms of section 27 of POPIA.
- » Authorising the responsible party to process Personal Information of Children in terms section 35 of POPIA.
- » Authorising responsible parties that plan to process personal information in terms of section 57 of POPIA (processing subject to prior authorisation).
- » Issuing Codes of Conduct to the responsible parties in terms of section 60 of POPIA.
- » Granting exemption to the responsible parties in terms of section 37 or 38 of POPIA.
- » Ensuring compliance with an Information Notice.
- » Ensuring compliance with an Enforcement Notice.
- » Referring non-compliance to Legal Services for criminal action.
- » Enforcing the appearance of persons before the Regulator and compelling them to give oral or written evidence on oath and to produce any records and information that the Regulator considers necessary.
- » Referring court applications to Legal Services and monitoring progress.
- » Consulting with and receiving reports from public and private bodies on the challenges encountered in complying with POPIA.
- » Making general enquiries on any matter, legislation, common law and any practice and procedure concerning the objects of POPIA.

- » Handling of enquiries related to POPIA.
- » Provide inputs to the development, improvement, modernisation, reform, or amendment of POPIA or other legislation impacting on the protection of personal information.

b) The Security Compromise sub-programme

The sub-programme conducts monitoring and enforcement of compliance by public and private bodies in accordance with the provisions of section 22 of POPIA. It comprises of the following functions:

- » Assessing security compromise notifications in terms of section 22 of POPIA.
- » Referral of security compromises for own initiative assessments or investigations based on risk or trends.
- » Overseeing and providing inputs into the evidence analysis for security compromises.
- » Identifying and analysing of trends in relation to security compromises.
- » Providing inputs to the development, improvement, modernisation, reform, or amendment of POPIA or other legislation impacting on the protection of personal information.

c) Complaints and Investigations

Handling of complaints and conducting of investigations in accordance with the provisions of POPIA. The sub-programme comprises of the following functions:

- » Providing assistance to any person with submission of their complaints in writing.
- » Receiving and investigating complaints about alleged infringements on the right to privacy.
- » Initiating own-initiative investigations into the interference with the protection of personal information of a data subject.
- » Conducting pre-investigation proceedings.
- » Resolution of complaints by means of dispute resolution mechanisms.
- » Conducting investigations.
- » Issuing summons and information notices for the appearance of persons before the Regulator, to give oral or written evidence and to produce any records and information that the Regulator considers necessary to conduct an investigation.
- » Conducting search and seizure.
- » Referring complaints or other matters to the Enforcement Committee; and
- » Issuing of the Regulator's Information and Enforcement Notices.

7.1.1 POPIA MTEF Outputs:

Table 1: Performance Matrix Outcome, Outputs, Performance Indicators and Targets

Outputs	Outputs indicators	Annual Targets						
		Audited/ Actual performance			Estimated Performance	MTEF Targets		
		2019/20	2020/21	2022/23	2023/24	2024/25	2025/26	2026/27
Outcome: Personal Information Protected								
Complex complaints received, investigated, and completed within the prescribed timeframes.	Percentage of complex complaints received, investigated, and completed within the prescribed timeframes.	N/A	N/A	51% of complex complaints received, investigated.	60% of complex complaints received, investigated, and completed within the prescribed timeframes.	60% of complex complaints received, investigated, and completed within the prescribed timeframes.	80% of complex complaints received, investigated, and completed within the prescribed timeframes.	80% of complex complaints received, investigated, and completed within the prescribed timeframes.
Simple complaints received, investigated, and resolved within the prescribed timeframes.	Percentage of simple complaints received, investigated, and resolved within the prescribed timeframes.	N/A	N/A	100% of simple complaints received, investigated, and resolved.	100% of simple complaints received, investigated, and resolved within the prescribed timeframes	80% of simple complaints received, investigated, and resolved within the prescribed timeframes.	100% of simple complaints received, investigated, and resolved within the prescribed timeframes.	100% of simple complaints received, investigated, and resolved within the prescribed timeframes.
Responsible parties assessed on compliance with POPIA.	Number of responsible parties assessed on compliance with POPIA.	N/A	N/A	4	12	10	24	26

Outputs	Outputs indicators	Annual Targets						
		Audited/ Actual performance			Estimated Performance	MTEF Targets		
		2019/20	2020/21	2022/23	2023/24	2024/25	2025/26	2026/27
Outcome: Personal Information Protected								
Responsible parties assessed upon request within the prescribed period.	Percentage of responsible parties assessed upon request within the prescribed period.	N/A	N/A	N/A	0	40% of responsible parties assessed upon request within the prescribed period.	70% of responsible parties assessed upon request within the prescribed period.	70% of responsible parties assessed upon request within the prescribed period.
Guidance Note on Transborder Flows of Information developed, consulted, and approved.	Number of Guidance Notes on Transborder Flows of Information developed, consulted, and approved.	N/A	N/A	N/A	N/A	1 Guidance Note on Transborder Flows of Information developed, consulted, and approved.	N/A	N/A

7.1.2 POPIA Quarterly Outputs:

Output Indicators	Annual Targets 2024/25	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Percentage of complex complaints received, investigated, and completed within the prescribed timeframes.	60% of complex complaints received, investigated, and completed within the prescribed timeframes.	30%	40%	50%	60%
Percentage of simple complaints received, investigated, and resolved within the prescribed timeframes.	80% of simple complaints received, investigated, and resolved within the prescribed timeframes.	30%	40%	60%	80%
Number of responsible parties assessed on compliance with POPIA.	10	3	3	2	2
Percentage of responsible parties assessed upon request within the prescribed period.	40%	10%	20%	30%	40%
Number of Guidance Notes on Transborder Flows of Information developed, consulted, and approved.	1 Guidance Note on Transborder Flows of Information developed, consulted, and approved.	Develop draft Guidance Note.	Approval of the Guidance Note by the Administration.	Approval of the Guidance Note by the Members.	Consultation with stakeholder(s) on the approved Guidance Note on Transborder Flows of Information.



Institutional Programme Performance Information

7.2 Programme 2: Promotion of Access to Information

02

Purpose:

To ensure the effective promotion, protection, monitoring and implementation of the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.

The following are sub-programmes within this programme:

a) Complaints and Investigations

The sub-programme is responsible for the handling of complaints and conducting investigations in accordance with the provisions of PAIA. It comprises the following functions:

- » Receiving and investigating complaints about alleged violations of the right of access to information.
- » Providing assistance to any person with submission of their complaints in writing.
- » Conducting pre-investigation proceedings.
- » Resolving complaints by means of dispute resolution mechanisms.

- » Conducting investigations.
- » Issuing summons for the appearance of persons before the Regulator, to give oral or written evidence and to produce any records and information that the Regulator considers necessary to investigate a complaint.
- » Conducting search and seizure.
- » Referring investigation reports or any matter to the Enforcement Committee for a decision or guidance.
- » Serving of the Regulator's Information and Enforcement notices.

b) Compliance and Monitoring sub-programme

The sub-programme conducts monitoring and enforcement of compliance by public and private bodies in accordance with the provisions of PAIA. It comprises the following functions: -

- » Compiling, updating, and making available a PAIA Guide in all official languages.
- » Conducting assessments of whether a public or private body generally complies with the provisions of this Act insofar as its policies and implementation procedures are concerned.
- » Drafting of compliance assessment reports to public and private bodies.

- » Ensuring compliance with the Information Notices.
- » Ensuring compliance with the Enforcement Notices.
- » Referring non-compliance to Legal Services for criminal action.
- » Ensuring execution of warrants.
- » Referring court applications to Legal Services and monitoring progress.
- » Consulting with and receiving reports from public and private bodies on the problems encountered in complying with this Act.
- » Collecting public bodies' reports, in terms of section 32 of PAIA.
- » Collecting of private bodies' reports, in terms of section 83(4) of PAIA.
- » Obtaining a report from the Public Protector, regarding the number, nature and outcome of complaints dealt with by the Public Protector.
- » Making general enquiries on any matter, legislation, common law and any practice and procedure concerning the objects of PAIA.
- » Monitoring the implementation of PAIA and implementation of recommendations contained in the assessment reports.
- » Recommending to a public or private body that it makes such changes in the manner in which it administers PAIA, as the Regulator considers advisable.
- » Providing inputs in the compilation of the annual report, as contemplated in section 84 of PAIA.
- » Providing inputs to the development, improvement, modernisation, reform, or amendment of PAIA or other legislation or common law having a bearing on access to information held by public and private bodies, respectively.
- » Developing and updating of procedures in terms of which public and private bodies make information electronically available.

7.2.1 PAIA MTEF Outputs:

Table 1: Performance Matrix Outcome, Outputs, Performance Indicators and Targets

Outputs	Outputs indicators	Annual Targets						
		Audited/ Actual performance			Estimated Performance	MTEF Period		
		2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Outcome: Access to information Promoted.								
Complex complaints received, investigated and completed within the prescribed timelines.	Percentage of complex complaints received, investigated and completed within the prescribed timelines.	N/A	N/A	100% of complex complaints received and investigations completed.	100% of complex complaints received and investigations completed.	60% of complex complaints received, and investigations completed.	80% of complex complaints received, and investigations completed.	85% of complex complaints received, and investigations completed.
Simple complaints received and resolved within the prescribed timelines.	Percentage of simple complaints received and resolved within the prescribed timelines.	N/A	N/A	100% simple of complaints investigated and resolved.	100% simple of complaints investigated and resolved.	70% of Simple complaints and resolved.	100% of simple complaints and resolved.	100% of simple complaints and resolved.
Targeted public and private bodies assessed on compliance with the provisions of PAIA.	Number of targeted public and private bodies assessed on compliance with the provision of PAIA.	N/A	N/A	96 targeted public and private bodies assessed on compliance.	108 targeted public and private bodies monitored on compliance.	80 targeted public and private bodies assessed on compliance.	132 targeted public and private bodies assessed on compliance.	144 targeted public and private bodies assessed on compliance.
Public and private bodies assessed upon request within the prescribed period.	Percentage of public and private bodies assessed upon request within the prescribed period.	N/A	N/A	N/A	100% of public and private bodies assessed upon request.	50% of public and private bodies assessed upon request.	70% of public and private bodies assessed upon request.	80% of public and private bodies assessed upon request.

7.2.2 PAIA Quarterly Outputs:

Output Indicators	Annual Targets 2024/25	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Percentage of complex complaints received, investigated and completed within the prescribed timelines.	60% of complex complaints received, and investigations completed.	20%	35%	45%	60%
Percentage of simple complaints received and resolved within the prescribed timelines.	70% of simple complaints and resolved.	35%	45%	60%	70%
Number of targeted public and private bodies assessed on compliance with the provisions of PAIA.	80 targeted public and private bodies assessed on compliance.	20	20	20	20
Percentage of public and private bodies assessed upon request within the prescribed period.	50% of public and private bodies assessed upon request.	25%	30%	40%	50%



Institutional Programme Performance Information

7.3 Programme 3: Education and Communication

03

Purpose:

To provide strategic direction for the promotion of the right of access to information and the right to privacy (as it relates to the protection of personal information) by providing quality services in research and policy analysis, education, public awareness, stakeholder engagement, and communication in accordance with the provisions of sections 40(1)(a), 40(1)(b)(iv), 40(1)(b)(vii), 40(1)(b)(viii), 40(1)(c)(i) & (ii), 40(1)(e), 40(2) of POPIA and section 83(2) of PAIA.

The following are sub-programmes within this programme:

a) Communication and Media Relations sub-programme

This sub-programme is responsible for the provision of communication, media relations, public liaison and branding services. It comprises the following function:

- » Liaising with the media in order to influence the narrative on the Regulator's work and promote its key messages for the benefit of keeping the public and stakeholders informed. Building relations with the media to build and sustain favourable media coverage.
- » Conducting internal communication initiatives to build knowledge on the work of the Regulator amongst the staff and keep them abreast on the organisational developments.
- » Create content and digital platform management: including, packaging content into products that will be efficiently accessible to all persons and disseminated through digital and traditional platforms.
- » Brand promotion through driving marketing initiatives, advertising and events.

b) Policy and Research sub-programme

This sub-programme manages the development of policy and the conduct of applied research. It comprises of the following functions:

- » Managing and undertaking research on the desirability of acceptance of international instruments relating to the protection of personal information.
- » Managing and undertaking research on any other matter relating to the protection of personal information and access to information that should be drawn to Parliament's attention.
- » Managing research to identify gaps in POPIA and PAIA and make recommendations to reform or amend POPIA and PAIA.
- » Informing policy guidelines for public and private bodies.
- » Managing reporting to Parliament on any policy matter affecting the protection of personal information including the need for legislative, administrative or other action necessary to protect the personal information of a data subject.

c) Stakeholder Management and Engagement sub-programme

This sub-programme is responsible for coordinating the Regulator's engagements with stakeholders nationally and internationally. It comprises of the following functions:

- » Consulting with and receive reports from public and private bodies on the problems encountered in complying with POPIA and PAIA.
- » Obtaining advice from, consulting with, or receiving and considering proposals or recommendations from any public or private body, an official of such a body or member of the public in connection with the Regulator's functions in terms of POPIA and PAIA.

d) Education and Public Awareness sub-programme

This sub-programme is responsible for the design, development and provision of education and public awareness activities. It comprises of the following functions:

Functions in terms of the Promotion of Access to Information Act No. 2 of 2000 (PAIA)

- » Developing and conducting educational programmes to advance the understanding of the public, in particular the disadvantaged communities on PAIA and how to exercise the rights contemplated in the Act.
- » Encouraging public and private bodies to participate in the development and conduct of programmes referred to in paragraph (i) and to undertake such programmes themselves.
- » Promoting timely and effective dissemination of accurate information by public bodies about their activities.
- » Training information officers and deputy information officers of public bodies.

Functions in terms of the Protection of Personal Information Act No. 4 of 2013 (POPIA)

- » Providing education by promoting an understanding and acceptance of the conditions for the lawful processing of personal information and of the objects of those conditions.
- » Providing education by undertaking educational programmes, for the purpose of promoting the protection of personal information, on the Regulator's own behalf or in co-operation with other persons or authorities acting on behalf of the Regulator.

- » Providing education by giving advice to data subjects in the exercise of their rights.
- » Providing education by providing advice, upon request or on its own initiative, to a Minister or a public or private body on their obligations under the provisions, and generally on any matter relevant to the operation of this Act.
- » Providing education by making public statements in relation to any matter affecting the protection of personal information of a data subject or of any class of data subjects.

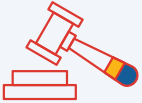
7.3.1 EDUCOM MTEF Outputs:

Table 1: Performance Matrix with Outcomes, Outputs, Indicators and Targets

Outputs	Outputs indicators	Annual Targets						
		Audited/ Actual performance			Estimated Performance	MTEF Period		
		2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Outcome: Personal information protected and access to information promoted.								
Education programmes conducted to promote protection of personal information.	Number of education programmes conducted to promote protection of personal information.	-	-	11	9	14	16	18
Education programmes conducted to promote access to information.	Number of education programmes conducted to promote access to information.	-	-	10	9	14	16	18
Public awareness programmes on the right of access to information and the right to privacy (protection of personal information).	Number of public awareness on the right of access to information and the right to privacy (protection of personal information).	9	24	37	34	24	34	34

7.3.2 EDUCOM Quarterly Outputs

Output Indicators	Annual Targets 2024/25	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Number of education programmes conducted to promote protection of personal information.	14 Education programmes conducted to promote protection of personal information.	3 Education programmes conducted to promote protection of personal information.	4 Education programmes conducted to promote protection of personal information.	4 Education programmes conducted to promote protection of personal information.	3 Education programmes conducted to promote protection of personal information.
Number of education programmes conducted to promote access to information.	14 Education programmes conducted to promote access to information.	3 Education programmes conducted to promote access to information.	4 Education programmes conducted to promote access to information.	4 Education programmes conducted to promote access to information.	3 Education programmes conducted to promote access to information.
Number of public awareness programmes on the right of access to information and the right to privacy (protection of personal information).	24 public awareness programmes on the right of access to information and the right to privacy (protection of personal information).	6 public awareness programmes on the right of access to information and the right to privacy (protection of personal information).	8 public awareness programmes on the right of access to information and the right to privacy (protection of personal information).	6 public awareness programmes on the right of access to information and the right to privacy (protection of personal information).	4 public awareness programmes on the right of access to information and the right to privacy (protection of personal information).



Institutional Programme Performance Information

7.4 Programme 4: Legal Services

04

Purpose:

To promote the improvement of the right of access to information and the right to privacy by examining any proposed legislation or policy of government that the Regulator considers may affect the protection of personal information of data subjects and reporting to the Minister of Justice and Correctional Services and Parliament on the results of that examination, in terms of sections 40(1)(b)(iii) and 40(1)(b)(ix) of POPIA.

The functions of this programme comprise of:

- » Examining any proposed legislation or policy of government that may affect the protection of personal information of data subjects and reporting thereon in terms of section 40(1)(b)(iii) of POPIA.
- » Examining any proposed legislation that makes provision for the collection or disclosure of personal information by a public or private body in terms of section 40(1)(b)(ix) of POPIA.
- » Examining legislation in terms of section 40(1)(b)(ix) by having regard to section 44(2) of POPIA, in any case where the Regulator considers that the information might be used for the purposes of an information matching programme.
- » Providing effective and efficient legal and litigation support services to all the Programmes of the Regulator, including but not limited to the drafting of legal opinions, contract vetting and drafting, and conducting litigation matters for and against the Regulator.

7.4.1 Legal Services MTEF Outputs

Table 1: Performance Matrix Outcomes, Outputs, Output Indicators and Annual Targets

Outputs	Output indicator	Annual Targets						
		Audited or Actual Performance			Estimated Performance	MTEF Period		
		2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Outcome: Personal information protected and access to information promoted.								
Litigation matters successfully managed.	Percentage of litigation matters successfully managed.	100%	100%	100%	100% litigation matters successfully managed.	100% litigation matters successfully managed.	100% litigation matters successfully managed.	100% litigation matters successfully managed.
Section 112(2) (c) of POPIA draft Regulations approved.	Approved Section 112(2)(c) of POPIA draft Regulations.	N/A	N/A	N/A	Draft regulations in terms of section 112(2) (c) of POPIA developed.	Draft regulations in terms of section 112(2) (c) of POPIA approved.	Regulations in terms of section 112(2)(c) of POPIA tabled and gazetted.	-
Section 40 (1) (b) (iii) of POPIA implemented	Number of proposed legislation or policy of government examined, and reports submitted	N/A	N/A	6	6 proposed relevant legislation or policy of government examined, and reports submitted.	6 proposed relevant legislation or policy of government examined, and reports submitted.	8 proposed relevant legislation or policy of government examined, and reports submitted	10 proposed relevant legislation or policy of government examined, and reports submitted.

7.4.2 Legal Service Quarterly Outputs

Output indicators	Annual target 2024/25	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Percentage of litigation matters successfully managed.	100% litigation matters successfully managed.	100% litigation matters successfully managed.	100% litigation matters successfully managed.	100% litigation matters successfully managed.	100% litigation matters successfully managed.
Approved section 112(2) (c) of POPIA draft Regulations.	Draft Regulations in terms of Section 112(2)(c) of POPIA approved.	-	-	-	Draft Regulations in terms of Section 112(2)(c) of POPIA approved.
Number of proposed legislation or policy of government examined, and reports submitted.	6 proposed legislation or policy of government examined, and reports submitted.	-	-	-	6 proposed legislation or policy of government examined, and reports submitted.



Institutional Programme Performance Information

7.5 Programme 5: Administration

05

Purpose:

- » To provide effective and efficient leadership, and corporate and financial support services in the Regulator.

The following are sub-programmes within this programme:

- a) **Office of the Chief Executive Officer sub-programme is responsible for:**
 - » providing effective and efficient strategic leadership in the financial and administrative functions of the Regulator.
- b) **Corporate Services sub-programme is responsible for:**
 - » Providing support services in relation to Human Resources, Administrative Services and Information and Communications Technology (ICT).
- c) **Finance sub-programme is responsible for providing:**
 - » Financial Management and Supply Chain Management services.
 - » To provide efficient and effective financial management in the Regulator.

7.5.1 Office of the Chief Executive Officer MTEF Outputs:

Table 1: Performance Matrix with Outcomes, Outputs, Indicators and Targets

Outputs	Outputs indicators	Annual Targets						
		Audited/ Actual performance			Estimated Performance	MTEF Targets		
		2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Outcome: Personal information protected and access to information promoted.								
Recommendations and findings of the Enforcement Committee considered and finalised within prescribed time frame	Percentage of recommendations and findings of the Enforcement Committee considered and finalised within prescribed time frame.	N/A	N/A	N/A	70% of recommendations and findings of the Enforcement Committee considered and finalised within prescribed time frame.	50% of recommendations and findings of the Enforcement Committee considered and finalised within prescribed time frame.	60% of recommendations and findings of the Enforcement Committee considered and finalised within prescribed time frame.	70% of recommendations and findings of the Enforcement Committee considered and finalised within prescribed time frame.

7.5.2 Office of the Chief Executive Officer Quarterly Outputs:

Output Indicators	Annual Targets 2024/25	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Percentage of recommendations and findings of the Enforcement Committee considered and finalised within the prescribed timeframe.	50% of recommendations and findings of the Enforcement Committee considered and finalised within the prescribed time frame.	-	-	-	50% of recommendations and findings of the Enforcement Committee considered and finalised within the prescribed time frame.





7.5.3 Finance MTEF Output

Outputs	Outputs indicators	Annual Targets						
		Audited/ Actual performance			Estimated Performance	MTEF Targets		
		2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Outcome: Personal information protected and access to information promoted.								
Allocated budget for Goods and Services and Capital Assets spent.	Percentage expenditure on allocated budget annually for Goods and Services and Machinery and Equipment spent.	N/A	65%	91%	95%	95%	95%	95%
Goods and Services and Capital Assets procured.	Percentage of Goods and Services and Capital Assets procured against approved procurement plan.	N/A	65%	124%	95%	95%	95%	95%

7.5.4 Finance Quarterly Output

Output Indicators	Annual Targets 2024/25	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Percentage expenditure on allocated budget annually for Goods and Services and Capital Assets spent.	95 % Annual Expenditure reports Indicating expenditure on Goods and Services And Capital Assets spent.	25% of the budget allocation for the quarter spent on Goods and Services and Machinery and Equipment.	60% of the budget allocation for the quarter spent on Goods and Services and Machinery and Equipment.	80% of the budget allocation for the quarter spent on Goods and Services and Machinery and Equipment.	95% of the budget allocation for the quarter spent on Goods and Services and Machinery and Equipment.
Percentage of Goods and Services and Capital Assets procured against approved procurement plan.	95% of planned procurement completed.	25% of the planned procurement for the quarter.	65% of the planned procurement for the quarter.	85% of the planned procurement for the quarter.	95% of planned procurement for the year completed.

8. Contribution of outputs towards outcomes and impact

	<p>Programme 1 & Programme 2 Protection of Personal Information & Promotion of Access to Information</p>	<p>The outputs are chosen to reflect the mandate of the Regulator as provided for in section 40 of POPIA and section 83(2), 83(3)(e), (f) and (g) of PAIA. Collectively the provisions require the Regulator to be the chief promoter of rights affecting the protection of personal information and promotion of access to information.</p>
	<p>Programme 3 Education & Communication</p>	<p>The focus on creating awareness and providing educational programmes will assist the Regulator to enforce the laws it has mandate over and empower all persons to assert their rights.</p>
	<p>Programme 4 Legal Services</p>	<p>The programme focuses on the provision of support to the Regulator to ensure proper application and interpretation of POPIA, PAIA and PFMA.</p>
	<p>Programme 5 Administration</p>	<p>The programme plays a crucial role by providing leadership and support to the other programmes in their respective core mandates.</p>

9. Programme Resource Allocations

9.1 Programme Resource Allocation

Table: Budget Allocation for sub programmes.

Economic Classification	2023/24	2024/25	2025/26	2026/27
	R'000	R'000	R'000	R'000
Current payments	103,040	109,331	114,964	120,089
Compensation of Employees	78,087	81,510	85,077	88,975
Goods and Services	24,953	27,821	29,887	31,114
Payments for Capital Assets	6,269	1,529	777	956
Machinery and Equipment	6,269	1,529	777	956
TOTAL	109,309	110,860	115,741	121,045
Year on Year Growth	8%	1%	6%	10%

10. Key risks and mitigation actions.

No	Risk Description	Mitigation Action Plan	Due Date	Responsible Person
1.	Inability to deal with the influx of matters (POPIA & PAIA)	1.1. To settle complaints through settlement or conciliation as early as possible to reduce the high numbers of registered complaints.	Quarterly	Executive: PAIA and Executive POPIA
		1.2. To develop formal guidelines on the handling of complaints, in conjunction with EDUCOM, to provide a focused, audience driven POPIA public awareness training.	31 March 2025	Executive: POPIA and Executive: EDUCOM
		1.3. To develop and publish Frequently Asked Questions (FAQs) e-handbook for the public.	30 September 2024	Executive: POPIA and Executive: EDUCOM
		1.4. To develop a Fact Sheet on the handling of security compromises.	31 March 2025	Executive: POPIA
2.	Inability to achieve planned procurement	2.1. Monitor the implementation of the approved Demand Management Plan.	Quarterly	Chief Financial Officer
3.	Inability to spend according to the allocated budget	3.1. Continuously monitor expenditure against the allocated budget.	Quarterly	Chief Financial Officer
4.	Inability to exercise enforcement powers in respect of compliance	4.1. To submit a proposal in respect of the amendments of PAIA to the Department of Justice & Constitutional Development (DOJ&CD), to ensure that the Regulator has an effective enforcement mechanism.	30 September 2024	Executive: PAIA and Chief Legal Officer
		4.2. To report on non-compliance and showcase good practices in order to encourage compliance with PAIA.	31 March 2025	Executive: PAIA and Executive: EDUCOM

No	Risk Description	Mitigation Action Plan	Due Date	Responsible Person
5.	Inability to accede to all education and training programme requests	5.1. Conduct clustered training.	Quarterly	Executive: EDUCOM
		5.2. Formation of partnerships with other private and public institutions to conduct training on behalf of the Regulator through a Memoranda of Understanding or other mechanisms.	31 March 2025	Executive: EDUCOM
		5.3. Adopt the "digital first approach" in review, design and presentation of training programmes.	30 June 2024 (for review) 31 December 2024 (for design) Quarterly (for training)	Executive: EDUCOM and CIO
6.	Inability to conduct public awareness programmes on the right of access to information and the right to privacy (protection of personal information)	6.1. Negotiate to secure free airtime programmes with community radio or community TV programmes.	Quarterly	Executive: EDUCOM
		6.2. Negotiate to secure participation in programmes of civil society organisations or other public institutions.	Quarterly	Executive: EDUCOM
		6.3. Solicit donor funding to cover costs for public awareness programmes.	31 March 2025	Executive: EDUCOM
7.	High number of litigation matters	7.1. Appointment of a panel of attorneys for the Regulator.	30 June 2024	CLO and CFO
8.	Inability to finalise recommendations of the Enforcement Committee within prescribed timeframes	8.1. To review the timeframes in the Rules of Procedure of the Enforcement Committee.	31 May 2024	CEO

No	Risk Description	Mitigation Action Plan	Due Date	Responsible Person
9.	High staff turnover	9.1. Monitor implementation of exit interviews	Quarterly	Executive: Corporate Services
		9.2. Develop Succession Planning Policy	31 March 2025	Executive: Corporate Services
		9.3. Implement the Retention Policy	31 March 2025	Executive: Corporate Services
		9.4. Train Line Managers on Interpersonal Communication	31 March 2025	Executive: Corporate Services
		9.5. Develop Induction Programme	30 September 2024 and 31 March 2025	Executive: Corporate Services
		9.6. Implement Remote Working Policy	31 March 2025	Executive: Corporate Services
		9.7. Conduct training on HR policies	31 March 2025	Executive: Corporate Services
		9.8. Implement the Employee Health and Wellness Policy	31 March 2025	Executive: Corporate Services
		9.9. Implement the Performance Management Policy	31 March 2025	Executive: Corporate Services
10.	Inability to detect and respond effectively to security compromises	10.1. A plan to be put in place to develop a Security Monitoring Centre	31 March 2025	Executive: Corporate Services, CIO and CFO
		10.2. Continuous security awareness education and training	31 March 2025	Executive: Corporate Services, CIO and CFO

11. Infrastructure projects

N/A

12. Public Private Partnership (PPPs)

N/A

Part D:

Technical Indicator Description Table (TID)

13. Protection of Personal Information TID.....	52
14. Promotion of Access to Information TID.....	57
15. Education and Communication TID.....	61
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17. Programme 5: Administration.....	67

13. Protection of Personal Information TID

13.1 POPIA TID 1

Indicator title	Percentage of complex complaints received, investigated, and completed within the prescribed timeframes.
Definitions	The indicator measures the percentage of complex complaints received, investigated, and completed within the turnaround period of twelve (12) months, as prescribed in the Standard Operating Procedure
Source data	<ul style="list-style-type: none"> » Submitted Complaint Form » Complaints Register » Report on complaints investigated and completed. » Case files
Method of calculation/assessment	Number of complex complaints received, investigated, and finalised divided by the total number of complaints received multiplied by 100
Means of verification	<ul style="list-style-type: none"> » Investigation Reports » Complaints Register » Enforcement Notices » Outcome letters/ Settlement certificate
Assumptions	The Regulator will receive complaints
Disaggregation of beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Cumulative
Reporting Cycle	Quarterly
Desired performance	Exceed the annual target
Indicator Responsibility	Executive POPIA

13.2 POPIA TID 2

Indicator title	Percentage of simple complaints received, investigated, and resolved within the prescribed timeframes.
Definitions	The indicator measures the percentage of simple complaints received, investigated, and resolved within the past three months
Source data	<ul style="list-style-type: none"> » Submitted Complaints Form » Complaints Register » Investigation File
Method of calculation/assessment	Number of simple complaints finalised divided by the total number of complaints received multiplied by 100
Means of verification	<ul style="list-style-type: none"> » Complaints Register » Investigation Report » Take-no-action form/Outcome letter/ Settlement Certificate
Assumptions	The Regulator will receive complaints
Disaggregation of beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Cumulative
Reporting Cycle	Quarterly
Desired performance	Achieve the annual target
Indicator Responsibility	Executive POPIA

13.3 POPIA TID 3

Indicator title	Number of responsible parties monitored on compliance with POPIA.
Definitions	The indicator measures number of targeted responsible parties monitored on compliance, in accordance with the approved POPIA Compliance, Monitoring Framework
Source data	<ul style="list-style-type: none"> » POPIA Compliance, Monitoring and Enforcement Framework » POPIA Compliance and Monitoring Plan » Attendance registers » Compliance monitoring files
Method of calculation/assessment	Number of responsible parties monitored for compliance with POPIA divided by the total number of assessments finalised multiplied by 100
Means of verification	<ul style="list-style-type: none"> » Assessment Reports » Attendance Registers
Assumptions	POPIA Compliance and Monitoring Plan will be approved.
Disaggregation of beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Cumulative
Reporting Cycle	Quarterly
Desired performance	To optimise the implementation of the measures to deter non-compliance with POPIA to ultimately reduce the number of complaints lodged with the Regulator.
Indicator Responsibility	Executive: POPI

13.4 POPIA TID 4

Indicator Title	Percentage of responsible parties assessed upon request within the prescribed period
Definition	This indicator measures the percentage of request for assessment received and assessment reports completed within the turnaround period, as prescribed in the Standard Operating Procedures.
Source of data	<ul style="list-style-type: none"> » Request for compliance assessment » Compliance and Monitoring Register
Method of calculation or assessment	Number of requests for assessment received divided by the number of assessment reports completed multiplied by 100
Means of verification	» Compliance Assessment Reports
Assumptions	The Regulator will receive requests for assessment
Disaggregation of beneficiaries (where applicable)	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Cumulative
Reporting cycle	Quarterly
Desired performance	Achieve annual target.
Indicator responsibility	Executive: POPIA

13.5 POPIA TID 5

Indicator Title	Number of Guidance Note on Transborder Flow of information developed, consulted, and approved
Definition	This indicator measures the development, consultation on, and approval of the Guidance Note on Transborder Flow of Information
Source of data	» Report on the development of the Guidance Note
Method of calculation or assessment	Simple count
Means of verification	» Approved Guidance Note » Attendance registers of consulted stakeholder(s)
Assumptions	The Guidance Note will be approved
Disaggregation of beneficiaries (where applicable)	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Cumulative
Reporting cycle	Quarterly
Desired performance	The Guidance Note will be approved
Indicator responsibility	Executive: POPIA

14. Promotion of Access to Information TID

14.1 PAIA TID 1

Indicator Title	Percentage of complex complaints received, investigated and completed within the prescribed timelines (PAIA)
Definition	This indicator measures the percentage of complex complaints received in the past twelve (12) months and investigations completed within the turnaround period of twelve (12) months, as prescribed in the Standard Operating Procedures
Source of data	<ul style="list-style-type: none"> » Complaint forms » Complaints Register » Investigation files » Standard Operating Procedures
Method of calculation or assessment	Number of complex complaints investigated and completed divided by number of complex complaints received multiplied by 100
Means of verification	<ul style="list-style-type: none"> » Investigation Reports and referral forms to the Enforcement Committee » Rejection letters » Pre-investigation reports » Settlement certificates » Conciliation certificates » Closing reports
Assumptions	The Regulator will receive complaints.
Disaggregation of beneficiaries (where applicable)	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Cumulative
Reporting cycle	Quarterly
Desired performance	Exceed the annual target by achieving 100%
Indicator responsibility	Executive: PAIA

14.2 PAIA TID 2

Indicator title	Percentage of Simple Complaints received and resolved within the prescribed timelines.
Definitions	The indicator measures the percentage of simple complaints received in the past three (3) months and resolved within the turnaround period of three (3) months, as prescribed in the Standard Operating Procedures
Source data	<ul style="list-style-type: none"> » Complaints forms » Complaints Register » Investigation files » Standard Operating Procedures
Method of calculation/assessment	Number of simple complaints resolved divided by number of simple complaints received multiplied by 100
Means of verification	<ul style="list-style-type: none"> » Complaints register. » Rejection letters » Pre-investigation reports » Settlement certificates » Conciliation certificates » Closing reports
Assumptions	The Regulator will receive complaints
Disaggregation of beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Cumulative
Reporting Cycle	Quarterly
Desired performance	Achieve the annual target
Indicator Responsibility	Executive PAIA

14.3 PAIA TID 3

Indicator Title	Number of targeted public and private bodies assessed on compliance with the provision of PAIA.
Definition	This indicator measures the number of targeted public and private bodies assessed on compliance with the relevant provisions of PAIA, in accordance with an approved Compliance Monitoring & Enforcement Framework
Source of data	<ul style="list-style-type: none"> » Annually Approved Assessment Plan » Compliance and Monitoring Register » Compliance and Monitoring & Enforcement Framework » Assessment files
Method of calculation or assessment	Simple count
Means of verification	<ul style="list-style-type: none"> » Compliance Assessment Reports » Attendance Register
Assumptions	The Annual Assessment Plan will be approved
Disaggregation of beneficiaries (where applicable)	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Non-Cumulative
Reporting cycle	Quarterly
Desired performance	All targeted public and private bodies assessed.
Indicator responsibility	Executive: PAIA

14.4 PAIA TID 4

Indicator Title	Percentage of Public and Private Bodies assessed upon request within the prescribed period.
Definition	This indicator measures the percentage of requests for assessment received and assessments finalised within the turnaround period.
Source of data	<ul style="list-style-type: none"> » Compliance and Monitoring Register » Request for assessment form
Method of calculation or assessment	Number of requests for assessment finalised divided by the number of assessment requests received multiplied by 100
Means of verification	<ul style="list-style-type: none"> » Closing/Rejection Letters » Compliance Assessment Reports
Assumptions	The Regulator will receive requests for assessment
Disaggregation of beneficiaries (where applicable)	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Cumulative
Reporting cycle	Quarterly
Desired performance	Assessment reports or closing/rejection letters issued on all request for assessments received.
Indicator responsibility	Executive: PAIA

15. Education And Communication TID

15.1 EDUCOM TID 1

Indicator Title:	The number of education programmes conducted for the public to promote protection of personal information
Definition:	This indicator measures the number of education programmes conducted for the public to promote the protection of personal information.
Source of data	<ul style="list-style-type: none"> » Approved annual training plan. » Approved quarterly training plans. » Education materials developed and approved
Method of Calculation / Assessment	Simple count
Means of verification	<ul style="list-style-type: none"> » Approved training reports » Attendance registers for each programme conducted
Assumptions	The targeted audience will be responsive to the sessions scheduled and conducted.
Disaggregation of Beneficiaries (where applicable)	Rural organised community structures and public officials will be targeted as priority groups for the programmes.
Spatial Transformation (where applicable)	There will be a special focus on rural areas
Calculation Type	Non-Cumulative
Reporting Cycle	Quarterly
Desired performance	Education programmes planned will be effective and will promote compliance by responsible parties and empower the public to take active measures to protect personal information.
Indicator Responsibility	Executive: Education & Communication

15.2 EDUCOM TID 2

Indicator Title:	The number of education programmes conducted for the public to promote access to information.
Definition:	This indicator measures the number of education programmes conducted for the public to promote access to information
Source of data	<ul style="list-style-type: none"> » Annual training plan » Quarterly Training plan » Education materials developed and approved
Method of Calculation / Assessment	Simple count
Means of verification	<ul style="list-style-type: none"> » Approved training reports » Attendance registers for each programme conducted.
Assumptions	The targeted audience will be responsive to the sessions scheduled and conducted.
Disaggregation of Beneficiaries (where applicable)	Rural organised community structures and public officials will be targeted as a priority group for the programmes.
Spatial Transformation (where applicable)	There will be a special focus on rural areas.
Calculation Type	Non-cumulative
Reporting Cycle	Quarterly
Desired performance	Education programmes planned will be effective and will promote compliance by responsible parties and empower the public to take active measures to promote access to information.
Indicator Responsibility	Executive: Education & Communication

15.3 EDUCOM TID 3

Indicator Title:	The number of public awareness programmes on the right of access to information and the right to privacy (protection of personal information)
Definition:	This indicator measures the number of public awareness programmes and events conducted to raise awareness about the right of access to information (through PAIA) and the right to privacy (protection of personal information) (through POPIA).
Source of data	» Approved concept notes and plans for public awareness programmes and events
Method of Calculation / Assessment	Simple count
Means of verification	<ul style="list-style-type: none"> » Approved Public Awareness Reports » Photographs » Attendance registers
Assumptions	The targeted audience will be responsive to the sessions scheduled.
Disaggregation of Beneficiaries (where applicable)	Rural and disadvantaged communities (individuals and community structures) will be targeted as priority groups for the programmes.
Spatial Transformation (where applicable)	The Northern Cape, North West, Free State, and Western Cape provinces will be targeted for delivery of public awareness programmes. There will be a special focus on rural areas.
Calculation Type	Non-cumulative
Reporting Cycle	Quarterly
Desired performance	To reach as many people as possible in raising awareness about POPIA and PAIA. Half the activities conducted will be with communities beyond urban areas.
Indicator Responsibility	Executive: Education & Communication

16. Legal Services TID

16.1 Legal Services TID 1

Indicator Title	Percentage of litigation matters successfully managed
Definition	<p>This indicator measures the percentage of litigation matters that have been successfully managed in accordance with the rules of Court, Practice Directives, service provider Service Level Agreements (SLAs), Litigation SOP and the Contract Management Policy.</p> <p>“Successfully managed” means the process of managing litigation internally which involves appointing attorneys and Counsel timeously, arranging and attending consultations, drafting court papers, ensuring filing of relevant notices and court documents on time and attending court cases as and when necessary.</p>
Source of data	» Litigation Register
Method of Calculation / Assessment	Number of litigation matters successfully managed in accordance with the rules of Court, Practice Directives, service provider SLAs, Litigation SOP and the Contract Management Policy divided by the number of litigation matters instituted/defended/opposed/abided multiplied by 100.
Means of verification	<ul style="list-style-type: none"> » Members email instructions/resolutions to institute/defend/oppose/abide. » Memorandum to appoint Attorneys and Counsel » Internally drafted Court Pleadings and Records » Record of consultations with external attorneys » Approved litigation SOP
Assumptions	It is assumed that the Regulator will institute/defend/oppose/abide litigation matters.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation type	Non-Cumulative
Reporting Cycle	Quarterly
Desired performance	Litigation matters are successfully managed to avoid unnecessary legal costs and to have a positive impact on the interpretation and application of both POPIA and PAIA.
Indicator Responsibility	Chief Legal Officer

16.2 Legal Services TID 2

Indicator Title	Section 112(2)(c) of POPIA draft Regulations approved.
Definition	This indicator measures whether the Regulations in terms of Section 112(2)(c) of POPIA are developed and approved by the Regulator. "Approval" means: the process to ratify the Draft Regulations by the Regulator to publish for public comments in the Government Gazette.
Source of data	» Draft Regulations
Method of Calculation / Assessment	Simple count
Means of verification	» Confirmations of approval from the meetings by the Members of the Regulator.
Assumptions	It is assumed that the draft Regulations will be approved by the Regulator.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation type	Cumulative
Reporting Cycle	Annually
Desired performance	The draft regulations will be approved by the Regulator.
Indicator Responsibility	Chief Legal Officer

16.3 Legal Services TID 3

Indicator Title	Number of Proposed Legislation or Policy of Government Examined and Reports Submitted to The Minister in Terms of Section 40(1)(b)(iii) of POPIA
Definition	This indicator measures the number of proposed legislation or policy of government that may affect the protection of personal information of data subjects, that have been examined and reports submitted to the Minister in terms of Section 40(1)(b)(iii).
Source of data	<ul style="list-style-type: none"> » Parliamentary Monitoring Group Website. » Government Gazette website. » Register of proposed legislation or policy of Government.
Method of calculation or assessment	Simple count
Means of verification	<ul style="list-style-type: none"> » Report on the outcome of the examination of proposed legislation or policy. » An approved memorandum to the Minister. » Approved legislation SOP
Assumptions	It is assumed that there will be proposed legislation or policy of government that may affect the protection of personal information of data subjects.
Disaggregation of beneficiaries (where applicable)	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Cumulative
Reporting cycle	Annually
Desired performance	The recommendation will ensure the alignment of the proposed legislation or policy with POPIA. The recommendations will influence the improvement of POPIA.
Indicator responsibility	Chief Legal Officer

17. Programme 5: Administration TID

17.1 Chief Executive Officer TID 1

Indicator Title	Percentage of recommendations and findings of the Enforcement Committee considered and finalised within prescribed time frame.
Definition	This indicator measures the percentage of recommendations of the Enforcement Committee made to the Regulator considered and finalised within prescribed time frame in terms of section 93 of POPIA
Source of data	<ul style="list-style-type: none"> » Register of recommendations made by the Enforcement Committee » Report of the Enforcement Committee recommendations
Method of calculation or assessment	Number of finalised recommendations by the Regulator divided by the number of recommendations submitted by the Enforcement Committee multiplied by one hundred (100).
Means of verification	<ul style="list-style-type: none"> » Outcome report. » Enforcement Notice. » Rejection notice. » Take-no-action Notice.
Assumptions	The Enforcement Committee will make recommendations to the Regulator.
Disaggregation of beneficiaries (where applicable)	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Cumulative
Reporting cycle	Annually
Desired performance	Finalisation of all recommendations made by the Enforcement Committee.
Indicator responsibility	Chief Executive Officer

17.2 Finance TID 2

Indicator Title	Percentage expenditure on annual allocated budget on Goods and Services and Capital assets spent
Definition	This indicator measures the percentage on annual allocated budget on Goods and Services and Capital Assets against actual expenditure.
Source of data	<ul style="list-style-type: none"> » Quarterly Budget Reports » Monthly Expenditure Reports
Method of calculation or assessment	Actual expenditure incurred divided by projected annual allocated budget on Goods and Services and Capital Assets targets multiplied by 100 (Actual Expenditure / Total projected X 100)
Means of verification	» Monthly Expenditure Reports
Assumptions	The Regulator will continue with normal operations
Disaggregation of beneficiaries (where applicable)	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Cumulative
Reporting cycle	Quarterly
Desired performance	100% expenditure of annual allocated budget on Goods and Services and Capital Assets.
Indicator responsibility	Chief Financial Officer

17.3 Finance TID 3

Indicator Title	Percentage of Goods and Services and Capital Assets procured against approved procurement plan
Definition	This indicator measures the percentage of Goods and Services and Capital Assets procured against the actual Procurement Plan.
Source of data	<ul style="list-style-type: none"> » Commitment report » List of orders » Award letters » SCM Batches » Contractual agreements » Approved procurement plan
Method of calculation or assessment	Actual procurement divided by projected Goods and Services and Capital Assets targets multiply by 100 or Actual Procurement/ Total Projected X 100
Means of verification	<ul style="list-style-type: none"> » Commitment Report » Concluded contracts. » Award letters » Purchase order
Assumptions	Timely submissions of requests (approved memos and detailed specifications) by Divisions.
Disaggregation of beneficiaries (where applicable)	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Cumulative
Reporting cycle	Quarterly
Desired performance	100% of Goods and Services and Capital Assets procured.
Indicator responsibility	Chief Financial Officer



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