



INFORMATION REGULATOR (SOUTH AFRICA)

*Ensuring protection of your personal information
and effective access to information*

MEDIA STATEMENT

INFRINGEMENT NOTICE AND R5 MILLION ADMINISTRATIVE FINE ISSUED TO THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT FOR CONTRAVENTION OF POPIA

04 JULY 2023

On 03 July 2023, the Information Regulator (Regulator) issued an Infringement Notice to the Department of Justice and Constitutional Development (DoJ&CD) in which it ordered the DoJ&CD to pay an administrative fine of R5 million following its failure to comply with the Enforcement Notice issued by the Regulator on 09 May 2023.

The Regulator issued the Enforcement Notice following the finding of the contravention of various sections of the Protection of Personal Information Act (POPIA) by the DoJ&CD. The Enforcement Notice had required the DoJ&CD to submit proof to the Regulator within thirty-one (31) days of receipt of the Notice that the Trend Anti-Virus licence, the SIEM licence and the Intrusion Detection System licence have been renewed. It also required the department to institute disciplinary proceedings against the official/s who failed to renew the licences, which are necessary to safeguard the department against security compromises. The Regulator indicated that should the DoJ&CD fail to abide by the Enforcement Notice within the stipulated timeframe, “it will be guilty of an offence, in terms of which the Regulator may impose an administrative fine in the amount not exceeding R10 million, or liable upon conviction to a fine or to imprisonment of the responsible officials”.

The thirty-one (31) days given to the department expired on 9 June 2023. To date, the department has not provided the Regulator with a report on implementation of the actions required in the Enforcement Notice or any other communication in that regard. The DoJ&CD had the right to appeal the Enforcement Notice in terms of section 97(1) of POPIA, and they have failed to exercise that right. Given this lack of compliance with the Enforcement Notice, the Regulator has made a determination that the department has failed to comply with the Enforcement Notice served to it in terms of POPIA. Accordingly, the Regulator has issued an

administrative fine of R5 million to the department for failure to comply with the Enforcement Notice.

The DoJ&CD has 30-days from 03 July 2023 to pay the administrative fine or make arrangements with the Regulator to pay the administrative fine in instalments or elect to be tried in court on a charge of having committed the alleged offence referred in terms of POPIA.

For media enquiries, contact Ms Nomzamo Zondi at 078 674 2598 or Nzondi@inforegulator.org.za.

ISSUED BY THE INFORMATION REGULATOR OF SOUTH AFRICA.