



# INFORMATION REGULATOR (SOUTH AFRICA)

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

## **MEDIA STATEMENT**

### **INFORMATION REGULATOR ISSUES A SUMMONS AGAINST SOUTH AFRICAN POLICE SERVICE**

**29 AUGUST 2022**

The Information Regulator (Regulator) has issued a summons to the South African Police Service (SAPS) on details related to the release of personal information of the Krugersdorp rape victims by the SAPS.

This follows failure by the SAPS to provide sufficient detail regarding the circumstances that led to the disclosure of eight women's personal information who were raped by a mob in West Village, Krugersdorp on 28 July 2022.

Following this incident, the Regulator was made aware that the personal information of the victims, including their names, ages, home addresses and the nature of the violations against the victims, had been shared via the WhatsApp platform, allegedly, being leaked by SAPS officials. For the Regulator this constitutes interference, by the SAPS, with the protection of personal information of data subjects (the victims). However, in order to determine whether the SAPS has interfered or is interfering with the protection of personal information of the data subjects, the Regulator issued an Information Notice in terms of POPIA section 90 to SAPS demanding that it furnishes the Regulator with certain information, including; the purpose for drafting the WhatsApp message and the identity of those individuals, to whom the WhatsApp message was circulated (detailing a list of names of recipients, their job titles, employer/s and cell phone numbers to which the message was circulated). The Regulator also demands information regarding the date/s on which the message was circulated to the recipients; the time and date when the WhatsApp message was circulated beyond the group it was intended for, and the identity of the individuals to whom it was sent. Additionally, the Regulator demanded to know who circulated the message beyond the original group for whom the message was intended.

For the Regulator to conduct a thorough investigation the SAPS must confirm if the message was circulated in any other format or platform (not WhatsApp). Lastly, the Regulator needs the SAPS to provide it with a report by the Information Officer of SAPS recording that the processing of the identities of the rape victims was in compliance with the processing conditions of POPIA and a report on SAPS' investigation into the circulation of the personal information of the victims.

The Regulator had requested the SAPS to provide it with this information by 15 August 2022, however, it requested an extension of time to respond to the Information Notice. The Regulator granted an extension to 24 August 2022, however on 24 August 2022, the SAPS only furnished information for one of the items in the Information Notice. SAPS indicated that it could only provide the further information once they have finalised their investigation but did not give an indication as to when they anticipate the investigation will be finalised.

The Regulator found the SAPS' response to have been inadequate, hence the decision to issue a summons for the information demanded by the Regulator for the purposes of the investigation.

"We do not take kindly to the non-responsiveness or inadequate responses to issued Information Notices by responsible parties, because this interferes with the Regulator's ability to conduct investigations into reported matters or those initiated by us. This has a serious inditement for the Regulator to provide necessary recourse to the victims of whom the right to privacy was possibly violated," said Adv Pansy Tlakula, Chairperson of the Regulator.

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**ISSUED BY THE INFORMATION REGULATOR OF SOUTH AFRICA**