



## **MEDIA STATEMENT**

### **MEMBERS OF PARLIAMENT DEMAND ACTION FROM NATIONAL TREASURY ON INDEPENDENCE OF THE INFORMATION REGULATOR**

**08 FEBRUARY 2023**

In a move that will bolster the institutional independence of the Information Regulator (Regulator), members of Parliament resolved at their meeting today to call the Minister of Finance, the Minister of Justice and Correctional Services, and the Regulator to settle the issue of independence of the Regulator.

The Regulator, a statutory body established through the Protection of Personal Information Act (POPIA), is required to act independently in exercising its functions. However, the Regulator currently relies on the policies and procedures of the Department of Justice and Constitutional Development (DOJ&CD) to run its administration. The lack of total independence of the Regulator is inconsistent with the provisions of POPIA, which require the Regulator to be an independent entity that accounts directly to Parliament through the National Assembly.

At issue is the fact that the Regulator is not currently listed as an entity in terms of the Public Finance Management Act (PFMA), which means it can only receive funding to perform its functions through the DOJ&CD. Speaking after the parliamentary hearing, the Chairperson of the Regulator, Adv. Pansy Tlakula said, "this state of affairs is not only inconsistent with the principle of institutional independence provided for in POPIA but also raises several conflicts of interest because the DOJ&CD is a responsible party in terms of POPIA and subject to the regulatory authority of the Regulator in how it processes personal information."

Members of Parliament spoke strongly against what is perceived as foot-dragging by the National Treasury in affecting the necessary legislative amendments to the PFMA to secure complete institutional independence of the Regulator.

"All we are asking for is an amendment of Schedule 1 of the PFMA so that the Regulator is listed as a constitutional body as was envisaged when POPIA was passed. The issue of listing has remained unresolved for over five years. It is a major distraction to the important work that

the Regulator should be doing in securing the privacy and protection of personal information of all persons," said Tlakula.

The portfolio committee agreed on the end of March 2023 deadline, for a report to be submitted to the committee on how these matters are being addressed by the National Treasury, DOJ&CD and the Regulator.

**For media enquiries contact Nomzamo Zondi on [Nzondi@info regulator.org.za](mailto:Nzondi@info regulator.org.za) or 078 674 2598**

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