

#PROTECTYOURPERSONALINFORMATION

What does POPIA mean to you?

- (a) It gives you power to exercise your constitutional right to privacy where your personal information is processed by another person or company.
- (b) It gives you the power to protect your personal information if it is not processed lawfully or according to this Act.

Note: The right to protect your personal information must be done in such a way that it balances with other rights as stated in the Constitution of South Africa!

What is "personal information"?

Information that relates to an identifiable living person, for example, name, surname, race, ID, age, language, e-mail address, physical address or biometric information of the person.

What is processing of information?

When your information is collected, received, recorded, organised, stored, altered, distributed or shared for a certain purpose by a responsible party.

Responsible Party?

It is a public or private body or any other person, or persons, that determine the purpose for processing your personal information and also how it will be processed.

Note: The Act does not prevent any public or private body from performing their duties, but it must be done lawfully!

Public Body/Private Body, examples?

Public body example:
Government departments

Private body example:
Businesses

How do I know if the information is processed lawfully?

- (a) It must be done in a reasonable manner that does not violate your privacy.
- (b) If you gave permission for your personal information to be processed.
- (c) If it is done as a result of a contract you agreed to.
- (d) If it is necessary and needed by a public body to perform their duty.
- (e) It is in terms of the law.

KNOW YOUR RIGHTS!!!

- (a) You must be notified that your personal information is being collected and be given a reason for that.
- (b) You must be provided with the name and address of the responsible party that requires your personal information.
- (c) You must be informed if it is compulsory to give out your personal information or not.
- (d) They must inform you what will happen if you do not want to give them your personal information.
- (e) If you are required to give them your personal information, they must inform you if there is a law that requires them to ask for your personal information.

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**INFORMATION
REGULATOR
(SOUTH AFRICA)**
Ensuring protection of your personal information
and effective access to information

**PROTECTION
OF PERSONAL
INFORMATION
ACT (POPIA)
NO. 4 OF 2013**

PUBLIC GUIDE

KNOW YOUR RIGHTS!!!

- (f) If somebody else provided them with your personal information, they must inform you who that person or responsible party is.
- (g) If your personal information is going to be transferred to another person or responsible party for instance, you must be guaranteed that it will be protected.

KNOW YOUR RIGHTS!!!

- (h) You can object to or refuse the processing of your personal information.
Example; for direct marketing which includes recorded messages, emails or SMS unless you have given them permission to do so.

Note:

- (i) The details of the sender such as their address or contact details must be available to enable you to stop them from sending you such communication if you are no longer interested!
- (ii) You should be able to unsubscribe if not interested anymore!
- (iii) You should not be charged for opting out!

KNOW YOUR RIGHTS!!!

- (i) You must be informed by a responsible party if your personal information has been acquired by unauthorised person.
- (j) You have a right to find out if a responsible party has your personal information and you can request to see it.
- (k) You can request a responsible party to correct your personal information.
- (l) You can request a responsible party to destroy or delete your personal information because it was obtained unlawfully or they are no longer authorised to retain or have it.

KNOW YOUR RIGHTS!!!

With regards to religious beliefs, trade union membership or political persuasion etc:

- (m) The processing of personal information is allowed if it is carried out by the organisation where you are a member and
- (n) Your personal information is necessary for the organisation to achieve its aims or principles, unless you object or did not give them permission.

Note:

- (i) Your personal information should not be given to third parties without your permission!
- (ii) You may submit a complaint to the Regulator if you suspect that there was interference with the protection of your personal information!

Note: The Act does apply but certain activities that relate to the following may be exempted:

- (a) Processing of information for your personal or household activity.
- (b) Processing of information by a public body which involves for example, national security where someone can assist in identifying a terrorist, or prevent an unlawful activity from happening.
- (c) Judicial functions of the court
- (d) Processing of information for journalistic purposes, **these are subject to the profession's code of ethics or a law.**