



The People's Report

2022/23



**INFORMATION
REGULATOR**
(SOUTH AFRICA)

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



www.inforegulator.org.za



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).

A photograph of a man in a dark suit and glasses, seen from the side, looking out a window. The window reflects the interior of a modern office with glass partitions and a white circular table. The text 'Table of CONTENT' is overlaid on a dark, semi-transparent rectangular area in the foreground.

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Message from

THE CHAIRPERSON

The 2021/22 financial year marked an important milestone in the history of the Information Regulator (Regulator) with the appointment of the Enforcement Committee, through which the Protection of Personal Information Act No. 4 of 2013 (POPIA) and the Promotion of Access to Information Act No. 2 of 2000 (PAIA) are effectively enforced.



I also want to thank the staff of the Regulator for their relentless hard work, dedication, and exceptional commitment to serving the people of South Africa in ensuring that their human rights, the right to access to information and right to privacy, as it relates to the protection of personal information, are always protected.

Adv Pansy Tlakula: Chairperson of the Regulator

In the previous financial year, we reported the tremendous challenges which were faced by the Division responsible for the Protection of Personal Information Act (POPIA Division). These included the departure of the executive responsible for the Division and the inability to achieve the targets set out for it. We are pleased to report the marked improvement in the performance of the Division

in the year under review. The Regulator managed to fill all the vacant positions in the Division, including that of the executive, and this has led to the Division achieving 100% of its annual planned targets. The Division monitored compliance with POPIA by conducting own-initiative assessments in terms of Section 89 of POPIA. These assessments were conducted on SA Home Loans, Home Choice, and

the Department of Basic Education. A large number of investigations were also conducted in terms of Section 74 of POPIA. Notable amongst these is the investigation of the South African Police Service (SAPS) regarding the unlawful processing of personal information of the victims of sexual assault in the Krugersdorp area.

Regarding the PAIA, the Regulator achieved 100% of the annual targets with an over-achievement on the complaints received, investigated, and finalised. Compliance with PAIA was monitored through own initiative assessments, which were conducted on ninety-six (96) public and private bodies. These included municipalities, banks, regulatory and Ombudsman bodies, and insurance companies.

We continue to have grave concerns with the frequent security compromises (data breaches) that have riddled

the country. Measures were put in place to fast-track the establishment of the Security Compromises Sub-Division to deal with security compromises. Furthermore, there are guidelines that the Regulator has developed and made available on its website to assist the responsible parties on how to report security compromises to the Regulator.

On behalf of the Members of the Regulator (Members) and myself, I would like to extend my sincere appreciation to

the Chief Executive Officer, Mr. Mosalanyane Mosala, and the executive team for the hard work done over the past year. I also want to thank the staff of the Regulator for their relentless hard work, dedication, and exceptional commitment to serving the people of South Africa in ensuring that their human rights, the right to access to information and right to privacy, as it relates to the protection of personal information, are always protected.



Adv Pansy Tlakula: Chairperson of the Regulator

Message from THE CHIEF EXECUTIVE OFFICER

The 2022/23 financial year was the first year of the second five-year term of office of members of the Regulator. Vision 2022- 2026, which contains policy priorities for this second term, was approved. Key improvement areas emanating from experiences of the first term were identified and developed as strategic outcomes for the second term. To achieve these outcomes, thirty-four (34) output indicators for the year 2022/23 were planned in the form of an Annual Performance Plan (APP). The Regulator is pleased

to report that, despite having limited resources, its performance continued on an upward trajectory in this financial year. The Regulator's performance improved from sixty-two percent (62%) in the 2020/21 financial year and sixty-eight percent (68%) in the 2021/22 financial year to ninety-one percent (91%) in the year under review. Out of the thirty-four (34) performance targets planned at the commencement of the period under review, thirty-one (31) of those targets were achieved.



The Regulator's performance improved from sixty-two percent (62%) in the 2020/21 financial year and sixty-eight percent (68%) in the 2021/22 financial year to ninety-one percent (91%) in the year under review.

91%

Mr Mosalanyane Mosala
Chief Executive Officer



PERFORMANCE INFORMATION

Programme 1: Protection of Personal Information Act

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

- » The POPIA Division over-achieved its by 1% its target of 50% 50% of complex complaints received, investigated, and finalised.
- » The Division achieved its target of 100% of simple complaints received, investigated, and resolved.
- » Compliance and Monitoring and Enforcement Framework was approved.
- » 4 targeted responsible parties were monitored on compliance.
- » Two (2) applications for Codes of Conduct were received and finalised within 13 weeks from the date of receipt.
- » 100% of applications for prior authorisation processed.
- » 100% of applications for exemption from POPIA were processed.
- » 100% of Information Officers and Deputy Information Officers registrations were registered as prescribed.
- » Rules of Procedure relating to the manner in which any POPIA matters or POPIA complaints were approved and implemented.

Programme 2: Promotion of Access to Information Act

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.

- » Over-achieved by 100% the 50% target of complex complaints received, investigated, and finalised.
- » Achieved 100% of simple complaints received, investigated and resolved.
- » Rules of Procedure relating to the manner in which any PAIA matters or PAIA complaints must be referred to and handled by the Enforcement Committee were approved and implemented.
- » 96 targeted public and private bodies were monitored on compliance.
- » Compliance, Monitoring and Enforcement Framework was approved and implemented.

Programme 3: Education & Communication

Purpose: To provide strategic direction for the promotion of the right of access to information and the right to privacy (through the protection of personal information) by providing quality services in research and policy analysis, education, public awareness, stakeholder engagement and communication.

- » Research report was produced indicating that more than 5% of those sampled were aware about the right to privacy.
- » Research report was produced indicating that more than 5% of those sampled were aware about the right of access to information.
- » 11 education programmes conducted to promote the protection of personal information.
- » 10 education programmes conducted to promote access to information.
- » 37 public awareness programmes conducted on information rights at community levels.
- » 54 stakeholder engagement sessions were conducted (from a target of 48)
- » 14 of international co-operation programmes conducted (from a target of 6).

Programme 4: Legal Services

Purpose: To ensure the rendering of legal services.

- » 100% of legal opinions were rendered and finalised.
- » 100% of contracts were vetted and drafted.
- » 100% of litigation matters were successfully managed.
- » 6 proposed relevant legislation were examined, and report submitted.

Programme 5: Administration

Purpose: To provide effective and efficient leadership, corporate and financial support services in the Information Regulator.

- » Over-achieved by 9% basis points the 80% target of implementation of activities in the Human Resource plan (HRP).
- » The vacancy rate was 5.7% which is achievement of the target of keeping the vacancy rate below 10%.
- » Exceeded by 6% basis points the 80% target for implementation of ICT Plan activities.
- » Implemented all 16 activities in the Records Management Plan.
- » The Facilities Management Plan was approved and implemented.
- » Over-achieved by 29% basis points the target of 95% of completion of planned procurement.

OUR BUDGET & EXPENDITURE

The appropriated financial resources were used to procure human, ICT and other material resources.

The expenditure report of the Regulator is depicted below:

Economic Classification	2022/2023			2021/2022		
	Final Appropriation	Actual Expenditure	(Over) / Under Expenditure	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Compensation of employees	71 875	64 003	7 872	61 474	46 178	15 296
Goods and services	23 318	22 011	1 307	20 485	15 128	5 251
Household payments	92	266	(174)	60	716	(656)
Buildings	-	-	-	-	-	-
Machinery and equipment	3 982	1 286	2 696	5 152	3 675	1 477
Software and intangibles	1 340	1 340	-	-	476	(476)
Provincial and Local Governments	2	1	1	3	3	-
Total	100 609	88 907	11 702	87 174	66 175	20 893

The expenditure report for the financial year, which ended on 31 March 2023, indicates an actual expenditure of R 88,907 million or 88 % of the available budget made as follows:

- » R 64 003 000 or eighty-nine percent (89%) on Compensation of Employees.
- » R 22 011 000 or ninety-four percent (94%) on Goods and Services,
- » R 266 000 or two hundred and eighty-nine percent (289%) related to Household payments (annual leave gratuities for resignations),
- » R 1 286 000 or thirty-two percent (32%) on Machinery and Equipment,
- » R 1 340 000 or one hundred percent (100%) for software and intangibles, and
- » R 1 000 or fifty percent (50%) for transfers.

STRATEGIC OVERVIEW

Vision

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

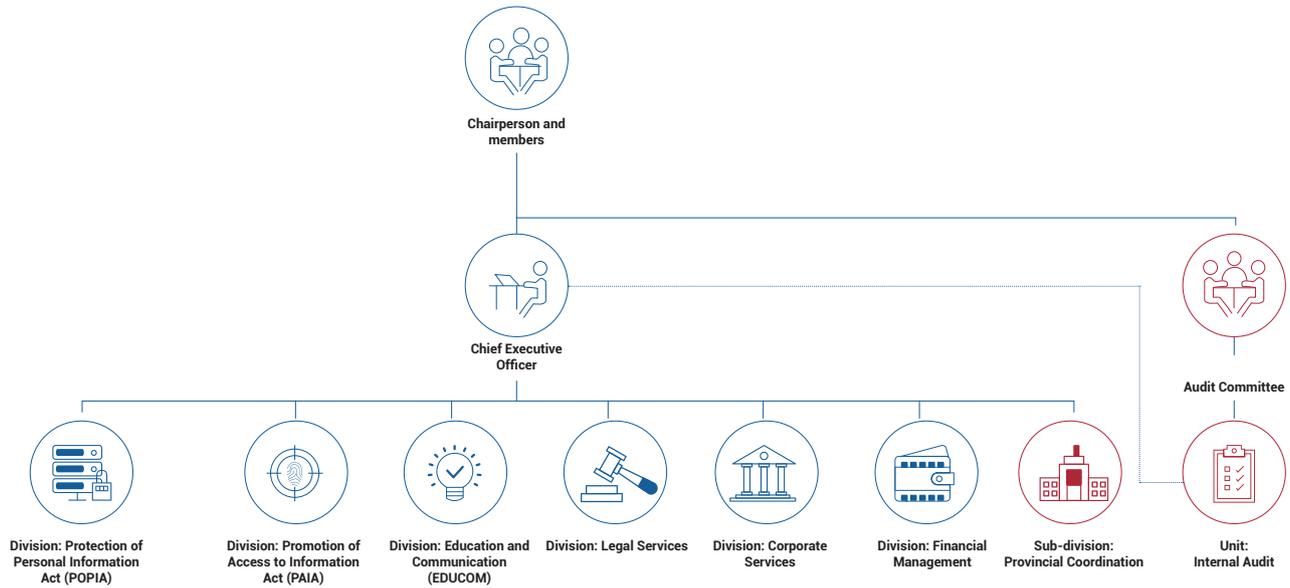
Mission

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

Values

- » **Transparency**
We are open about our processes and decisions that affect members of the public and the Regulator.
- » **Accountability**
We take accountability by owning the decisions we make, using work resources responsibly and appropriately, sharing and disclosing information as intended in accordance with POPIA and PAIA.
- » **Integrity**
We act honestly, openly and consultatively in the performance of our work and use our positions fairly and responsibly.
- » **Excellence**
We strive for excellence by exceeding standards for service delivery to public and private bodies.
- » **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.
- » **Responsiveness**
We strive to respond to all requests timeously while being attentive to expressed and unexpressed needs.

ORGANISATIONAL STRUCTURE





Questions?

CONTACT US NOW!

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