



Compliance with the Protection of Personal Information Act (POPIA)

WHY IS POPIA NECESSARY?

Although we value our privacy, through the things we do virtually, personal information is freely shared in the digital reality we now live in.

The importance of protecting our personal information deserves recognition, though, given the increase of cyber crimes and the harm our digital personalities face in the everyday expanding digital economy.

Users of personal information, being they businesses or institutions, are called to a higher standard with the introduction of POPIA, specifically in the way that personal information is being collected, used, stored and protected.

WHAT IS PERSONAL INFORMATION?

Personal information is any information that can identify any [person](#), [organization](#), [business](#) or [institution](#) to other people.

The information an organization collects, uses or stores is not limited to only [natural living persons](#) but includes information about [juristic persons](#) like companies and institutions.

Personal information for businesses is therefore not limited to only personal information of its employees and customers, but also its [business to business](#) dealings.

Personal information is widely defined in POPIA, but includes, name, age, gender, marital status, information about finances, jobs, education, phone numbers, physical and email addresses. The act makes provision for even stricter rules around [special personal information](#), like religious beliefs, race and social and political memberships and health data.

Businesses have until 1 July 2021 to become compliant with POPIA.

WE ARE HERE TO HELP YOU

Small to medium-sized organizations generally focus on doing business and they are either not aware of or not capable of performing their duties concerning compliance with information laws and its regulations

Yet, POPIA requires all organizations which process personal information of both natural and juristic persons to comply with the Act's conditions for lawful processing of personal information .

We know where to start the process. We realize that it is a challenging process and we will help you prioritize the various steps to be taken on the journey towards compliance.



WHAT HAPPENS IF I DO NOT COMPLY?

Non-compliance holds severe consequences for all parties involved in the business, whether the business itself, its employees or its customers.

- Loss of trust in the business
- Reputational damage
- Loss of revenue
- Financial penalties
- Criminal sanctions
- Misuse of own data
- Possible insolvency

THE FUTURE OF DATA PRIVACY

Taking POPIA serious is an important business priority.

In one or another manner we are all part of the unfolding techno-economic revolution described as the 4th Industrial Revolution. Sped up by events like the Covid-19 pandemic, digital progress has highlighted the critical role and nature of Information Technology and of data as its most important foundation. Through this process, however, and on the back of ever-present data breaches and privacy considerations, cyber security and data protection enjoy increasingly more priority for all concerned.

POPIA AND OTHER COUNTRIES

For every organization already, or potentially, dealing with personal information of EU citizens, there is already a set of regulations in place known as the GDPR, with which all such organizations already have to comply. Note in this regard that while the POPI Act is closely aligned with the GDPR, they are two separate pieces of legislation, with different jurisdictional implications – for example, should a SME or any other organization deal with local clients and businesses, as well as with clients with EU citizenship, that organization must be POPI Act compliant for dealing with the personal information of local clients and businesses, and it should be GDPR compliant for dealing with personal information of the EU citizens, with the added complexity that the definition of personal information differs between these two data protection regimes.

KEY CONSIDERATIONS

It is important to ask these questions:

- Where do I begin this journey of compliance?
- What are the important aspects to address following from my risk assessment?
- Do I understand the impact of POPIA on my business?
- What data do I collect and process?
- Who are my data subjects?
- How do I use my data, and do I share data?
- Where and how is my data stored?
- How secure is my data?
- Are my suppliers' data secured?
- Who will use my data?
- Is POPIA the only information compliance regulation required for my business?



THE INDEVALDI PROCESS

PROGRAMME MANAGEMENT

ASSESSMENT

POPIA ASSESSMENT

Completion of a standardized assessment to understand your POPIA risks and provisional data profile. The assessment produces a report that shows the areas requiring further intervention.

POPIA CONSULTATION

Based on the POPIA assessment results, we engage with you on understanding the risk areas elevated in the assessment report, identifying the scope of intervention required and proposing the roadmap to compliance that highlight the priorities of implementation.

DESIGN, BUILD & IMPLEMENT

COMPOSITION OF DATA MODEL AND IDENTIFICATION OF DATA SUBJECTS, RESPONSIBLE PARTIES AND THIRD PARTY OPERATORS

Analysis of business data to assess the extent to which personal information is processed by the business and to identify the relevant data subjects, responsible parties and data operators involved in the processing of such personal information.

CONSENT MANAGEMENT, DATA PROCESSING AGREEMENTS AND POLICY MANAGEMENT

Prepare and send out consent letters to data subjects to request permission for lawful processing of personal information, conclude default compliance agreements with all third parties, or operators processing personal information on the business's behalf. Revise and implement policies and practices to minimize the risk for privacy breaches and to optimize organizational responses upon such privacy breaches.

MAINTAIN & TRAIN

MAINTENANCE

Once the implementation is concluded, it is important to review the process to ensure that any changes in the business or how personal information is collected, used, stored and protected remains aligned with the legislation to remain compliant.

TRAIN

It is important that the relevant role players in the business understand their responsibilities and duties, also to remain current with the new aspects of POPIA as it evolves.



PRACTICAL OUTCOMES

Through the project towards compliance, we pursue the following practical outcomes:

- Your business will have a designated and registered Information Officer trained and guided to steer the process of maintaining compliance.
- Your business will have obtained consent for processing personal data.
- Your agreements with third parties where relevant will have been implemented or refined to provide for compliance.
- You will have policies implemented for information privacy, information security procedures, incident responses, information manuals and for data breach reporting procedures.

LIGHTENING THE BURDEN FOR ENTREPRENEURS

Indevaldi aims to empower and inspire entrepreneurs around the globe to build sustainable businesses that offer promising careers for their people, that create economic growth, and that ultimately lead to positive spin-off for all their stakeholders.

Indevaldi recognizes the burden legislative compliance puts on businesses, especially small to medium-sized businesses, and helps business to gradually and systematically become compliant.

With POPIA, the result of our effort will be that your business becomes compliant with the relevant privacy legislation, and that you are in a position to maintain compliance.

For a discussion about your POPIA needs, contact us: **Ferdie Lochner (PhD)**
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The Entrepreneur's Partner

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