POPI – What you need to do now!

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POPI Overview

President Jacob Zuma signed the Protection of Personal Information (POPI) Act and it officially became law as from the 26th of November 2013.

This will now bring South Africa in line with international best practices when it comes to the protection of personal information. POPI regulates how anyone who processes personal information must handle, keep and secure that information.

Although the act has been signed into law a commencement date has not yet been set by the president. The commencement date refers to when POPI will start to apply. All businesses and / or individuals will be given a year from the commencement date in order to comply with the POPI requirements (unless this period is extended which is provided for by the Act).

If you or your business process personal information, make sure you understand how POPI affects you and comply as soon as possible because anyone who contravenes POPI may face possible prison terms and fines of up to R10 million.

Although, you may have a year to comply it does not mean you should relax, rather start now so that you are fully compliant before POPI starts showing its teeth.

You should at a minimum do the following:

1. Read the Act - Focus particularly on chapter three as it sets out eight conditions for the lawful processing of personal information.
2. Identify Personal Information – Create a list of all the different types of personal information that you process.
3. Check Compliance – See if the information you are processing complies with the conditions for lawful processing (Chapter 3 of the Act)
4. Identify who accesses your information it is important to identify every person in your business that deals with personal information as a slip up by any of them may result in your business not complying with POPI.
5. Train your staff – Provide the people identified in the previous step with POPI awareness training which will include aspects of the Act as well as how they store the information and possible attacks such as social engineering etc.
6. Protect your devices – Ensure all devices that store personal information are encrypted and password protected. Mobile devices should be able to be remotely wiped in case of theft or if they are lost.
7. Limit physical access – Ensure that physical access to devices that store personal information are tightly controlled by means of access control, CCTV monitoring etc.
8. Third party considerations – Create a list of all third parties that may process personal information on your behalf and ensure they are POPI compliant, put contracts in place to this effect.

Awareness:

Start Early with an awareness program for your staff.

The consequences of not complying are as follows:

- 10 years in prison for infringements
- Administrative fines (the most prevalent consequence around the world) up to R10 million
- Civil law suits may be brought against organisations by individuals/clients (strict liability) if a client incurs any loss as a result of personal information being leaked by a company.

The Following Steps should be followed:

- Appoint/designate information officers
- Perform processing and compliance audits, conduct a POPI Impact Assessment
- Identify responsible persons in the group
- Identify operators
- POPI processing awareness
- Implement training