

POPIA

plain language guide

What's POPIA.

The Protection of Personal Information Act (POPI Act or POPIA) aims to protect personal information. POPIA protects natural and juristic persons like:



Companies



Closed corporations



Living people



Trusts

What's personal information?

Information that identifies a living person like:



Race and gender



Contact



Financial



Medical



Employment and criminal history



Education

What's special person information?

It's a subcategory of personal information that's considered sensitive information. It's information that can be used to unfairly discriminate against a person like:



Race and ethnicity



Criminal behaviour



Health



Biometric information



Trade union membership



POPIA ensures that you can't use special personal information without authorisation.

1. **General authorisation** that applies to all types of special personal information.
2. **Specific authorisation** that relates to each type of special personal information.

So, what's data processing?

Processing personal information isn't just about opening a file, reading a document, or emailing information to someone. Processing includes:



Deleting or editing documents



Saving documents to a USB



Transferring documents from one device to another

Processing covers all the different ways you handle personal information in both physical and electronic format.



Does POPIA only apply to electronic information?

No POPIA applies to all personal information regardless of what form it's in.



Paper



Audio recordings



Video recordings



WhatsApp



Who are the role players?

1. **Data Subject** – The person who the personal information is about.
2. **Responsible Party** – Your organisation. The organisation that decides how and why to process personal information.
3. **Operator** – The party that processes personal information for the responsible party.

*It's not always necessary to get a data subject's consent to process their personal information in both physical and electronic format.

The 8 conditions of lawful processing

Legend



Responsible Party = RP



Personal Information = PI



Data Subject = DS

1. Accountability

The RP must take accountability to comply with POPI.

2. Processing limitation

The RP must have a good reason for processing information e.g. consent.

3. Purpose specification

The DS must know the reason why the RP is processing their personal information.

4. Further processing limitation

The RP must ensure that if PI is processed again it must be used for the original purpose that they informed the DS about.

5. Information quality

The RP must ensure the PI they process is accurate and complete.

6. Openness

The RP must process PI in a way that allows the DS to know what's happening to their PI.

7. Security safeguards

The RP must provide appropriate and reasonable security measures for PI.

8. Data subject participation

The RP must communicate with the DS about processing and must allow the DS to correct or update their info.