

# ISASA – POPI Act Made Easy

Does POPI apply to schools? **YES**

POPI is applicable to every business in South Africa that collects and destroys personal data.

## Principles of POPI

There are 8 conditions or guiding principles that a school must comply with:

1. Accountability
2. Processing limitation
3. Purpose specification
4. Further processing limitation
5. Information quality
6. Openness
7. Security safeguards
8. Data Subject participation

See the ISASA memo for detailed information.

## Commencement Date

Commencement date yet to be announced. 1-year grace period will be given from commencement date to allow for compliance with the POPI Act. The POPI Regulations which largely consist of the forms for the POPI Act, will be promulgated in early 2018.

## Penalties

Imprisonment or Fine.

## DEFINITIONS

### Personal Information

Information relating to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person. *Please see the ISASA memo for a full definition.*

### Data Subject

The person to whom personal information relates i.e. a teacher, parent or learner.

### Information Regulator

A juristic person. Subject only to the Constitution and the law. Must perform its functions in accordance with this Act and the Promotion of Access to Information Act.

### Information Officer

Person responsible for ensuring that the organization complies with the POPI Act. Must be registered with the Information Regulator (schools will be required to appoint their information officer).

### Processing

Any operation concerning personal information, including collection, storage, modification, dissemination, degradation or destruction.

## Functions of the Information Officer

- Undertake duties once the school has registered them with the Information Regulator.
- Monitor and implement Codes of Conduct issued by the Information Regulator.
- Encourage the school to comply with POPI.

## Marketing and Advertisements

A school will have to inform a Data Subject that information about them is being collected for advertising or marketing purposes.

## Retention of Information

Personal information should not be kept longer than is necessary for achieving the purpose for which the information was collected. A school must destroy a record of personal information or de-identify it after this period.

## Obligations under POPI

- Collect only relevant information.
- Only collect information for specific purpose.
- Allow for Data Subject or Regulator to access information.
- Security measures to protect information.