



**INFORMATION
REGULATOR
(SOUTH AFRICA)**

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

ANNUAL REPORT 2018/19 FINANCIAL YEAR

Table of Contents

Foreword by the Chairperson	4
Overview by the Chief Executive Officer	8
Statement of Responsibility and confirmation of accuracy of Performance Information for the year ended 31 March 2019	10
Part A: Strategic Overview	10
1. Vision, Mission and Values	11
1.1. Vision	
1.2. Mission	11
1.3. Values	11
2. 2.Mandates	11
2.1. Constitutional Mandate	11
2.2. Legislative Mandate	11
3. 3. Strategic Oriented Outcome Goals	14
4. 4. Organisational Structure	15
4.1. Members of the Information Regulator	15
4.2. Administration of the Information Regulator	17
Part t: B: Performance Information	18
5.1. Achievements against Planned targets	18
5.2. Other activities performed by the Information Regulator	21
5.2.1. Complaints and Dispute Resolution	21
5.2.2. Litigation	22
5.2.3. Stakeholder Engagement	22
5.2.4. National Engagement	23
5.2.5. International Engagement	26
5.2.5.1. Regional and International Engagement	26
5.2.5.2. International Conference of Information Commissioners	28
5.2.6. Development of Regulations for POPIA	29
5.2.7. Transfer of PAIA functions	29
5.2.8. Interaction with other Statutory Bodies	29

Part C: Corporate Governance	30
6.1. Introduction	30
6.2. Members of the Information Regulator	31
Part D: Financial Performance	35
Acronyms and Abbreviation	36

FOREWORD BY THE CHAIRPERSON



The Information Regulator (Regulator) is pleased to submit its Annual Report for the financial year 2018/19. The Annual Report covers the Annual Performance Plan (APP) and other activities, which were undertaken by the Regulator during the financial year under review. The budget of the Regulator still resides under that of the Department of Justice and Constitutional Development (DoJ&CD) and will be accounted for by the DoJ&CD until the Regulator has been fully established and has adopted its own financial systems and procedures, and systems of internal control.

One of the challenges, which the Regulator faced during the period under review and continues to face, is its full operationalization, which depends largely on the expedition of the establishment of its administration. Some progress in this regard was made during the period under review. The Members of the Regulator (Members) met with the Minister of Finance and consulted him on the draft organisational structure in terms of section 47(5) of the Protection of Personal Information Act 4 of 2013 (POPIA). The Regulator obtained the concurrence of the Minister for the recruitment of its Executive Management.

During the period under review, the Regulator took a decision to continue with the adoption of policies, which will strengthen its corporate governance. In addition to the policies that have already been adopted, the Policy and Procedure on the Assessment of the Performance of the Members of the Regulator was drafted and adopted. The purpose of this policy is to ensure that Members hold each other accountable for their individual performance and for the performance of the organisation.

The ongoing engagements between the Regulator and the South African Human Rights Commission (SAHRC) on the transfer of the Promotion of Access to Information Act 2 of 2000 (PAIA) function from the latter to the former were undertaken. The parties entered into

a Memorandum of Cooperation (MoC) to ensure the smooth and seamless transfer of the function.

Although the Regulator did not have human resources capacity, it managed to execute some aspects of its mandate during the period under review. These include the tabling in Parliament of Regulations, which the Regulator made in terms of section 112(2) of POPIA, stakeholder engagement and the monitoring of compliance with POPIA. The Regulator engaged with more than sixty nine (69) public and private bodies in various parts of the country during the period under review. The purpose of these engagements was to create stakeholder awareness, to conduct stakeholder training on POPIA, and to enhance the visibility of the Regulator. In the run up to the 2019 National and Provincial Elections, the Regulator held a meeting with the Electoral Commission (IEC) and the political parties represented on the Political Parties Liaison Committee to discuss the complaints, which the Regulator had received, on the use of personal information of voters by political parties for campaigning purposes. Following the meeting, the Regulator issued the *Guidance Note on the Processing of Personal Information of a Voter by a Political Party for Campaigning Purposes*.

During the period under review, the Regulator submitted its fifth and final report to the Independent Panel of Experts appointed by the Constitutional Court to monitor compliance with the court order in the case of *The Black Sash v The Minister of Social Development and Others* (2017) ZACC 8. The report dealt with aspects related to the court order to curb the unlawful processing of personal information of grant beneficiaries.

The Regulator has a dual mandate of monitoring and enforcing the right of access to information and the lawful processing of personal information. There are only a few regulatory bodies on the African Continent and globally, which have this dual mandate. Although the Regulator is still at its formative stage, there is already a growing expectation that it should assume a leadership role. During the year under review, the Regulator was invited to a number of regional and international conferences. These include conferences that were hosted in Rwanda, Mauritius, Nigeria, Hungary and Brussels. The Regulator also hosted delegations from Sri Lanka and Kenya who came for fact-finding missions on PAIA and POPIA respectively.

The highlight of the year under review was the International Conference of Information Commissioners (ICIC) which was successfully hosted by the Regulator in partnership with the Centre for Human Rights of the University of Pretoria. The ICIC was held in Johannesburg and was attended by more than two hundred (200) participants from fifty (50) countries representing Information Commissioners, Ombudsmen, intergovernmental

institutions, governmental agencies and civil society organisations. The conference had two (2) historical outcomes. The first was the adoption of the “Johannesburg Charter”, which is the first governance charter to be adopted by the ICIC since its establishment in 2008. The Regulator was appointed as a Member of the Governance Working Group (Executive Committee) of the ICIC. The second outcome was the establishment of the Network of African Information Commissioners, which held its inaugural meeting in the margins of the ICIC. The Regulator was unanimously appointed as the interim Chairperson of the Network.

It has been more than thirty-three (33) months since the Members of the Regulator were appointed. South Africa is still without a fully functional regulatory body and the remaining provisions of POPIA have not yet been brought into effect. The delay in the operationalization of the Regulator impacts negatively on the country. The rise of the much talked about Fourth Industrial Revolution (4IR), in particular the use of Artificial Intelligence (AI) which simulates intelligent human behaviour, is likely to have unintended consequences such as data breaches and identity theft. Without a fully functional and effective data protection regulatory authority, the victims of these violations will be deprived of remedies. In addition, it will be difficult for South Africa to attract much needed direct foreign investment, particularly from countries that have stringent data protection regulatory frameworks, if it does not have a fully functional institution responsible for the protection of personal information. It is against this background that the urgent operationalisation of the Regulator cannot be over-emphasised. The support of the National Assembly in this regard is deemed to be crucial.

I wish to express on my own behalf and on behalf of the Members of the Regulator our gratitude to the DoJ&CD for the assistance it has given and continues to give the Regulator towards its establishment.



Adv. FDP TLAKULA

CHAIRPERSON

DATE: 30 AUGUST 2019

OVERVIEW BY THE CHIEF EXECUTIVE OFFICER



During the period under review, the Regulator continued with the process of establishing its administration in order to fulfill its legislative mandate. The legislative mandate of the Regulator includes, amongst others, the development of strategies, systems, and processes that will guide the day-to-day performance of its functions and its adherence to good corporate governance.

The Regulator only achieved a few of the planned performance targets of its Annual Performance Plan for the 2018/19 financial year. The under-achievement of the planned targets was due to human resources capacity constraints. The concurrence of the Minister of Finance for the recruitment of the Regulator's Executive Management as required in terms of section 47(5) of the POPIA was only obtained during the second quarter of the financial year under review. The recruitment process was undertaken in the third quarter and was partly executed at the end of the fourth quarter. The remainder of the performance targets related to the appointment of Executive Officers was being carried over and will be executed in the new financial year.

The Regulator planned to develop the Complaints Management System to ensure the speedy resolution of complaints. As at end of March 2019, the service provider was appointed to assist with the development of the System and the work will be completed in the next financial year in relation to POPIA only as the PAIA function continues to be managed by the South African Human Rights Commission (SAHRC) pending the promulgation of the remaining sections of POPIA.

The Regulator continues to use the policies and procedures of the DoJ&CD as the Regulator is not yet fully operational and it is not audited as a separate organ of state. As a result, the Auditor-General South Africa (AGSA) has neither audited nor expressed an opinion on the separate financial statement for the Regulator as they formed part of those of the DoJ&CD.

Various national stakeholder engagement sessions were held with both private and public bodies. These sessions were used to raise awareness on the role of the Regulator. More than eighty (80) stakeholder engagements were recorded during the year under review. The Regulator also participated in various international stakeholder engagements. One of the notable achievements in this regard was the hosting of the International Conference of Information Commissioners, which was held in March 2019, and attended by delegates from other Information Regulators globally.

A number of key members of staff were appointed after the reporting period. These are the following: the Chief Executive Officer (CEO), Chief Financial Officer (CFO) and Executive Officer: Legal Services, Policy, Research and Information Technology Analysis. These officers assumed their duties in June, July and August, respectively.

Finally, my appreciation goes to the Chairperson and Members for steering the Regulator in the right direction under difficult circumstances and without the requisite administrative support that is provided for in section 47 of POPIA. The contribution made by the seconded staff from the DoJ&CD including the former Acting CEO who provided administrative support to the Regulator until the end of the financial year is commended.

I also wish to thank the Regulator's key stakeholders in both the public and private sectors who collaborated with the Regulator in advancing the lawful processing of personal information. The Regulator acknowledges these stakeholders' contributions. The strengthening of the Regulator's administrative capacity in the next financial year will translate into the improvement of the performance of its functions.



Mr M.C. THIBELA
CHIEF EXECUTIVE OFFICER
DATE: 30 AUGUST 2019

STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF THE ACCURACY OF THE PERFORMANCE INFORMATION FOR THE YEAR ENDED 31 MARCH 2019

1. The Chief Executive Officer is responsible for the preparation of the Regulator's Annual Report in terms of Section 40(1) of the Public Finance Management Act, 1 of 1999 as amended and for the judgments made in this information.
2. The Chief Executive Officer is responsible for establishing and implementing a system of internal control designed to provide reasonable assurance as to the integrity and reliability of performance information.
3. In my opinion, the performance information fairly reflects the actual achievements against planned objectives, indicators, and targets as per the strategic and annual performance plan of the Regulator for the financial year ended 31 March 2019.
4. The Regulator's performance information for the year ended 31 March 2019 was not examined by the external auditors as the Regulator is still in the establishment phase
5. The performance information of the Regulator as set out on page 16 to 19 was duly approved by the Members of the Regulator



MARKS THIBELA
CHIEF EXECUTIVE OFFICER
DATE: 30 AUGUST 2019

PART A: STRATEGIC OVERVIEW

1. VISION, MISSION AND VALUES

1.1. Vision

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

1.2. 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 law so as to protect the rights of everyone”

1.3. Values

- Transparency
- Accountability
- Integrity
- Excellence
- Impartiality
- Responsiveness

2. MANDATES

2.1. Constitutional Mandate

The Regulator was established to ensure respect for and to promote, enforce and fulfill the right to privacy and the right of access to information.

2.2 Legislative Mandate

2.2.1 Core functions in terms of POPIA

2.2.1.1. To provide education by:-

- a) promoting an understanding and acceptance of the lawful processing of personal information;
- b) undertaking educational programmes;
- c) making public statements; and
- d) providing advice.

2.2.1.2. To monitor and enforce compliance by:-

- a) public and private bodies;

- b) undertaking research and monitoring developments in information processing and computer technology;
- c) examining proposed legislation, subordinate legislation, and policies, and provide a report on the result of the examination to the Minister and to Parliament.
- d) reporting to Parliament on policy matters affecting the protection of personal information including the need for legislative, administrative or other measures to enhance the protection of personal information;
- e) conducting assessments in respect of the processing of personal information;
- f) monitoring the use of unique identifiers and report to Parliament;
- g) maintaining and publishing copies of the registers prescribed in POPIA; and
- h) examining proposed legislation that makes provision for the collection and disclosure of personal information and provide the report of the results of the examination to the Minister.

2.2.1.3. To consult with interested parties by:-

- a) receiving and inviting representations;
- b) co-operating on a national and international basis with other bodies concerned with the protection of personal information; and
- c) acting as a mediator between opposing parties.

2.2.1.4. To handle complaints by:-

- a) receiving and investigating complaints;
- b) gathering information ;
- c) attempting to resolve complaints through dispute resolution mechanisms; and
- d) serving notices.

2.2.1.5. To conduct research on:-

- a) the desirability of acceptance of international instruments relating to the protection of personal information;
- b) any other matter that should be drawn to Parliament's attention.

2.2.1.6. In respect of codes of conduct to:-

- a) issue, amend or revokes codes of conduct;
- b) make guidelines to assist bodies to develop or apply codes of conduct; and
- c) consider determinations by adjudicators under approved codes of conduct.

2.2.1.7. To facilitate cross border cooperation in the enforcement of the privacy laws

2.2.2. Core functions in terms of PAIA

2.2.2.1. In respect of complaints to:-

- a) consider a complaint after the internal appeal procedures have been exhausted; and
- b) receive written complaints or to provide assistance to a person who wishes to make a complaint in writing.

2.2.2.2. In respect of investigations to:-

- a) investigate complaints and in the course of an investigation serve an information notice on the information officer or head of a private body;
- b) refer a complaint to the Enforcement Committee; or
- c) decide to take no action on the complaint; or
- d) attempt to settle a complaint through conciliation; and
- d) issue enforcement notices after considering the recommendation of the Enforcement Committee.

2.2.2.3. To issue notices.

2.2.2.4. To issue enforcement notices after considering the recommendations of the Enforcement Committee.

2.2.2.5. To make assessments whether public and private bodies comply with the provision of PAIA.

2.2.2.6. In respect of additional functions to:-

- a) compile and make available a guide on the usage of PAIA;
- b) where possible, develop and conduct educational programmes in particular for disadvantaged communities;
- c) identify gaps in PAIA or any other laws and makes recommendation to reform or amend PAIA or any other laws;
- d) make recommendations for procedures on how private and public bodies make information electronically available;
- e) monitor implementation of PAIA;
- f) if possible, assist any person requesting information;
- g) train information officers and deputy information officers;
- h) recommend to a public or private body to make changes in the manner in which it administers PAIA;
- i) consult with and receive reports from public and private the bodies on problems encountered in complying with PAIA;

- j) obtain advice from, consult with, and consider proposals or recommendations from parties in connection with the Regulator's functions;
- k) request the Public Protector to submit to the Regulator a report on the number of complaints processed relating to PAIA and the nature and outcome of those complaints; and
- l) enquire into any matter including legislation, common law, practice and procedure related to PAIA.

2.2.2.7. A private body should submit information about requests for access to its records and include this information in its Annual Report, upon request by the Regulator.

3. STRATEGIC ORIENTED OUTCOME GOALS

STRATEGIC OUTCOME ORIENTED GOAL		STRATEGIC OBJECTIVE	
1.	South Africans that are aware and understand their rights with regards to the protection of personal information	SO 1.1	Develop and implement awareness and educational programmes aimed at promoting the protection of personal information
2	A conducive legislative, policy and technological environment that promotes the protection of personal information and access to information	SO 2.1	Monitor and research the processing of personal information and computer technology to ensure the promotion of protection of personal information and access to information
		SO 2.2	Monitor and enforce compliance by public and private bodies to ensure that existing and proposed legislation and policy promotes the protection of personal information and access to information
3	A conducive regulatory environment that promotes the protection of personal information and access to information	SO 3.1	Make regulations, Guidelines, Codes of Conduct and Notices
4	Informed stakeholders and cooperative relationships to ensure the protection of personal information and access to information	SO 4.1	Undertake engagements with relevant stakeholders concerned with the protection of personal information and access to information
5	Protection of personal information and access to information through the resolving of complaints	SO 5.1	Conduct prompt investigations of complaints and ensure resolution of disputes related to the violation of the protection of personal information and access to information
6.	Alignment of National legislation with the international best practice through research	SO 6.1	Conduct comparative legal research relating to the protection of personal information and access to information and report to Parliament
7.	Optimally functional independent Information Regulator	SO 7.1	Create a high performing Information Regulator to deliver on its mandates

4. ORGANISATIONAL STRUCTURE

4.1. Members of the Regulator

The Regulator consists of the Chairperson and four (4) ordinary Members of which two (2) are full-time and the other two (2) are part-time Members. Each Member heads a governance committee that oversees the specific functional area(s) within the Regulator.



Adv. Pansy Tlakula is the Chairperson of the Regulator



Adv. Lebogang Stroom-Nzama is a Full-Time Member responsible for the Promotion of Access to Information Act 2 of 2000.



Adv. Johannes Collen Weapond is a Full-Time Member responsible for the Protection of Personal Information Act 4 of 2013.



Prof. Tana Pistorius is a Part-Time Member



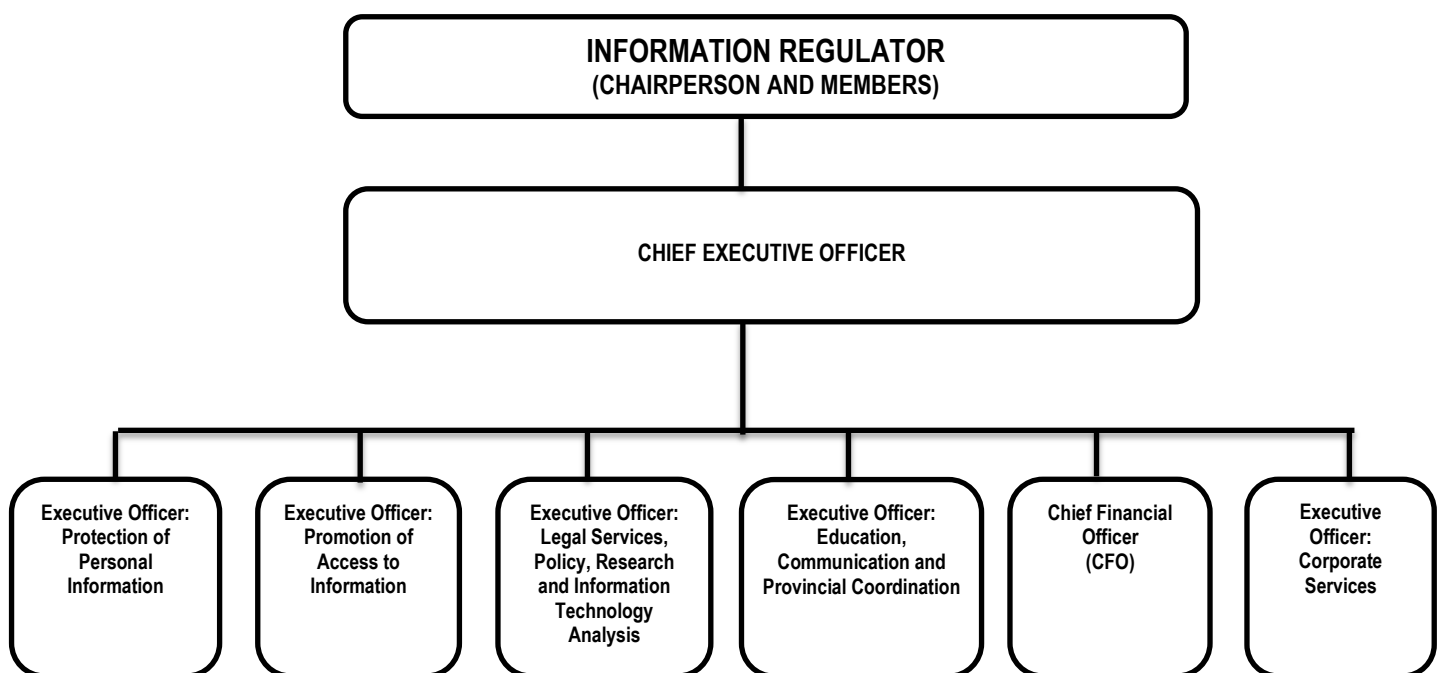
Mr. Sizwe Snail ka Mtuze is a Part-Time Member

4.2. Administration of the Regulator

During the period under review, the Regulator operated with the assistance of four (4) staff members seconded from the DoJ&CD in terms of section 47(6) of POPIA. These staff members fulfilled the roles of Acting Chief Executive Officer, Acting Legal Officer and Administrative Support staff. In addition, the Regulator appointed on a contract basis two (2) staff members, namely a Deputy Director: Organisational Design and Development and a Legal Secretary who assisted with the development of the organisational structure and the handling of complaints respectively.

Furthermore, the Regulator consulted the Minister of Finance in terms of section 47(5) of POPIA for the appointment of the CEO and five (5) Executive Officers. The concurrence of the Minister of Finance was obtained.

Figure 1: Approved Top Structure of the Regulator



PART B: PERFORMANCE INFORMATION

5.1. Achievements against planned targets

Table 1: Outreach and Research Committee

Performance Indicator	Planned Target 2018/19	Actual Achievement 2018/2019	Deviation from planned target to Actual Achievement for 2018/19	Comment on deviations
1.1. Develop and implement awareness and educational programmes aimed at promoting the promotion of personal information and access to information				
1.1.1.Approved Public Awareness Strategy	Phase One (1) of Public Awareness Strategy implemented	Draft Public Awareness Strategy developed	Not achieved	Members decided to subject the draft Public Awareness Strategy to expert advice before approval.
2.1. Monitor and research the processing of personal information and computer technology to ensure the protection of personal information and access to information				
2.1.1 Approved Research Strategy	Research Strategy developed	Research Strategy drafted and tabled for discussion	Not achieved	Lack of human resources capacity
4.1. Undertake engagements with relevant stakeholders concerned with the protection of personal information and access to information				
4.1.1 Approved Stakeholder Engagement Strategy	Implementation of Stakeholder Engagement Strategy continued	Draft Stakeholder Engagement Strategy developed	Not achieved	Lack of Co-ordinated Stakeholder engagement

Table 2: Legal and Compliance Committee

Performance Indicator	Planned Target 2018/19	Actual Achievement 2018/2019	Deviation from planned target to Actual Achievement for 2018/19	Comment on deviations
Strategic Objective 3.1. Make Regulations, Guidelines on Codes of Conduct and Notices				
3.1.1. Approved Regulations	Regulations developed, tabled and approved	Regulations tabled in Parliament and published in the Government Gazette	Achieved	N/A
3.1.2 Approved Guidelines for of Codes of Conduct	Guidelines for Codes of Conduct developed	Guidelines for Codes of Conduct in draft stage	Not achieved	Lack of human resources capacity

Table 3: Complaints and Dispute Resolution Committee

Performance Indicator	Planned Target 2018/19	Actual Achievement 2018/2019	Deviation from planned target to Actual Achievement for 2018/19	Comment on deviations
Strategic Objective 5.1: Conduct prompt investigations of complaints and ensure the resolution of disputes related to the violation of the protection of personal information and access to information				
5.1.1 Approved Complaints Management System	Process Maps on Complaints Management System developed	Complaints Management System not developed	Not achieved	Delay in the appointment of the service provider to develop the Complaints Management System

Table 4: Policy and Governance Committee

Performance Indicator	Planned Target 2018/19	Actual Achievement 2018/19	Deviation from planned target to Actual Achievement for 2018/19	Comment on deviations
Strategic Objective 7.1: Create a High Performing Information Regulator to deliver on its mandate				
7.1.2. Approved Corporate Services Policies, Procedures and Systems	Recruitment Policy. implemented	Recruitment Policy drafted and tabled for discussion, but not approved and implemented	Not achieved	The Regulator is still using the DoJ&CD policies
7.1.3 Approved Corporate Governance Policies	Corporate Governance Policies implemented	Charter of Roles and Responsibilities for Members approved	Achieved	N/A
		Delegation of Authority Policy not developed	Not achieved	Lack of human resources

Table 5: Corporate Services Committee

Performance Indicator	Planned Target for 2018/19	Actual Achievement for 2018/19	Deviation from planned target to Actual Achievement for 2018/19	Comment on deviations
Strategic Objective 7.1. Create a High Performing Information Regulator to deliver on its mandate				
7.1.1 Approved Organisational Structure	Organisational Structure implemented.	Phase One (1) of the Organisational Structure with the top seven (7) positions approved and Minister of Finance's concurrence obtained to implement it through the filling of six (6) of the seven (7) positions. The identified six (6) posts were advertised	Not achieved	Minister of Finance concurred on the implementation of the organisational structure on a phased approach

Performance Indicator	Planned Target for 2018/19	Actual Achievement for 2018/19	Deviation from planned target to Actual Achievement for 2018/19	Comment on deviations
Strategic Objective 7.1. Create a High Performing Information Regulator to deliver on its mandate				
7.1.4. Approved Branding and Communication Strategy	Branding and Communication Strategy finalised	Branding and Communication Strategy not finalised	Not achieved	The bid for the development of the Branding and Communications Strategy was cancelled by the Bid Evaluation Committee of the DoJ&CD
7.1.5. Suitable office accommodation	Office accommodation for the Regulator secured	Office accommodation for the Regulator secured	Achieved	N/A

5.2. Other activities performed by the Regulator

5.2.1. Complaints and Dispute Resolution

The Regulator has developed a Process Map its Complaints Management System, which will assist in ensuring the effective resolution and investigation of complaints. The Process Map for its Complaints Management System entails the Complaints Management Processes, Standard Operating Procedures (SOPs) and a Manual.

The Regulator continues to address issues that emanate from the complaints it receives. The prevalent complaints reported to the Regulator include surveillance, unsolicited direct marketing and data breaches.

For the 2018/19 financial year, the Regulator handled in excess of thirty-two (32) data breaches. The Data Protection Authorities globally experienced an unprecedented increase in the number of data breaches reported in the 2018/19 period. The Facebook-Cambridge Analytical Data breach was the most widely publicised data breach for the period under review. The data of at least fifty (50) million users was confirmed to be at risk after vulnerabilities in the security system of Facebook were exploited by users. In excess of ninety-five thousand (95 000) South African Facebook users' accounts were reported as compromised. The Regulator engaged Facebook and the Office of the Information

Commissioner in the United Kingdom regarding the compromised South African Facebook users' accounts.

Various other data breaches, which were reported to the Regulator, emanated from the financial sector as well as the telecommunications sector. The Regulator liaised with various other government institutions including the Directorate for Priority Crimes Investigation (DPCI) also known as the "HAWKS" and the State Security Agency (SSA) to adopt a uniform approach with regards to the investigation of reported data breaches.

5.2.2. Litigation

The Regulator released its fifth and final report to the Independent Panel of Experts in August 2018, in the matter of *The Black Sash Trust versus The Minister of Social Development*. Various engagements were undertaken by the Regulator in conjunction with the South African Social Security Agency (SASSA). These engagements included the raising of awareness on POPIA in some Regions of SASSA amongst its respective regional executive teams.

During the transition period of the beneficiary payment services from Cash Paymaster Service (CPS) to the South African Post Office (SAPO), the Regulator provided advice to SASSA and monitored compliance with the court order. The disposal of data by CPS through a process of deletion, destruction or de-identification remained a key concern for the Regulator. The Regulator will continue to monitor the implementation of the Constitutional Court order as it relates to the processing of personal information of grant beneficiaries by SASSA, SAPO and/or CPS.

5.2.3. Stakeholder Engagements

5.2.3.1. Introduction

The Regulator embarked on various stakeholder engagements during the period under review to increase its visibility, raise its profile and to create awareness on POPIA amongst data subjects and responsible parties. These stakeholder engagements were held in various formats and at various fora such as public lectures, face-to-face consultations, and training on POPIA as well as presentations at a number of workshops and conferences.

The Regulator lists amongst its activities, stakeholder engagements with both the private and the public sectors which include, but is not limited to institutions of higher learning, law enforcement agencies, the telecommunications sector and the financial services sector.

5.2.3.2. National Engagements

Table 6: Names of Organisations and types of engagement

No.	NAME OF ORGANISATION	TYPE OF ENGAGEMENT
1	BANKING ASSOCIATION OF SOUTH AFRICA (BASA)	Quarterly Meeting with the Sector
2	DIRECT MARKETING ASSOCIATION OF SOUTH AFRICA (DMASA)	Ongoing engagement with the Business Sector
3	PAYMENT ASSOCIATION OF SOUTH AFRICA (PASA)	Meeting to discuss POPIA compliance within PASA and its Associates. Members of the Regulator attended training on the National Payment System
4	LAW SOCIETY OF SOUTH AFRICA (LSSA)	Members held a meeting with Representatives of LSSA
5	INTERNATIONAL ASSOCIATION OF PRIVACY PROFESSIONALS (IAPP)	Members of the Regulator presented on POPIA at the IAPP Round Table
6	NATIONAL CREDIT REGULATOR (NCR)	Members of the Regulator presented on POPIA to the Management team of the NCR
7	ROAD ACCIDENT FUND (RAF)	Members of the Regulator presented on POPIA to the RAF team
8	SOUTH AFRICAN INSURANCE ASSOCIATION (SAIA)	Meeting as well as discussion on possible Code of Conduct for the insurance sector
9	PROUDLY SOUTH AFRICA	Members of the Regulator presented on POPIA
10	DEPARTMENT OF ARTS AND CULTURE	Members of the Regulator presented on POPIA to the South African National Archives
11	LEGAL RESOURCE CENTRE (LRC)	Members attended a conference on International Intelligence Sharing Agreement
12	UNIVERSITY OF STELLENBOSCH CENTRE FOR MEDICAL ETHICS	Meeting between Members of the Regulator with the Chair of the Centre for Medical Ethics on Impact of POPIA on Ethics and Research
13	LIMPOPO DEPARTMENT OF SOCIAL DEVELOPMENT (LDSD)	Members of the Regulator presented on POPIA to Executive staff and Sub-Regional Managers
14	FUTURE VALUE OF DATA	Member attended Future Value of Data workshop
15	MENS CLINIC INTERNATIONAL	Meeting to discuss POPIA Act and its implications on consent and disclosure
16	DEPARTMENT OF HUMAN SETTLEMENTS	Members of the Regulator presented on POPIA
17	SANLAM	Meeting to discuss POPIA compliance within the SANLAM group
18	KWAZULU-NATAL RECORDS MANAGEMENT DIALOGUE	Members of the Regulator presented on POPIA

No.	NAME OF ORGANISATION	TYPE OF ENGAGEMENT
19	UNIVERSITY OF SOUTH AFRICA (UNISA)	Members of the Regulator presented on POPIA
20	MANDELA LAW INSTITUTE UNIVERSITY OF WITWATERSRAND	Members of the Regulator presented on POPIA at WITS Law School workshop on Privacy
21	DRAMATIC ARTISTIC AND LITERARY RIGHTS ORGANISATION (DALRO)	Members of the Regulator presented on POPIA to DALRO Board.
22	AUDITOR GENERAL SOUTH AFRICA (AGSA)	Members of the Regulator presented on POPIA at Internal AGSA workshop.
23	XPERIEN	Members of the Regulator presented on POPIA at XPERIEN workshop.
24	DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM (DRDLR)	Members of the Regulator presented on POPIA compliance.
25	FEDASA	Members of the Regulator presented on POPIA at Regional FEDASA in Mafikeng
26	FINANCIAL SECTOR CONDUCT AUTHORITY (FSCA)	Members of the Regulator met with the Financial Sector Conduct Authority.
27	MEDIA MONITORING AFRICA (MMA)	Members of the Regulator presented on the effect of POPIA on Press freedom and a discussion on Press exception.
28	VODACOM	Members of the Regulator presented on POPIA.
29	BARCLAYS	Members of the Regulator met with the ABSA Group in Africa to discuss POPIA.
30	OPEN DEMOCRACY ADVICE CENTRE (ODAC)	Member of the Regulator attended the workshop hosted by the Open Society Foundation.
31	.zaDOMAIN NAME AUTHORITY (.zaDNA) BOARD	Meeting held between .zaDNA Board to discuss compliance the yearly Reporting to the Information Regulator.
32	SASSA, MPUMALANGA REGIONAL OFFICE	Members of the Regulator presented on POPIA
33	NATIONAL TREASURY (NT)	Meeting held between the Minister of Finance and Members of the Regulator to discuss the establishment of Administration the Regulator.
34	PUBLIC INVESTMENT CORPORATION (PIC)	Members of the Regulator presented on POPIA
35	SA HUMAN RIGHTS COMMISSION (SAHRC)	Members of the Regulator presented on POPIA
36	SASSA, WESTERN CAPE	Members of the Regulator presented on POPIA
37	BLACK LAWYERS ASSOCIATION (BLA)	Members attend African Law Review Launch.
38	FEDASA, CLARENS OFFICE	Members of the Regulator presented on POPIA

No.	NAME OF ORGANISATION	TYPE OF ENGAGEMENT
39	FEDASA, BLOEMFONTEIN OFFICE	Members of the Regulator presented on POPIA
40	SOUTHERN AFRICAN FRAUD PREVENTION SERVICE AND THE INSURANCE CRIME BUREAU	Member of the Regulator a Fraud Summit and presented on POPIA
41	CLASSIC FM	Member participated in Panel discussion on POPIA.
42	LIGWALAGWALA FM	Member participated in Panel discussion on POPIA.
43	STANDARD BANK OF SOUTH AFRICA	Meeting held between the Regulator and Standard Bank to discuss compliance with POPIA
44	RIGHT TO KNOW (R2K)	Stakeholder engagement, capacity building, and awareness session held on POPIA.
45	UNIVERSITY OF FORT HARE	Public Lecture by Members of the Regulator on POPIA and the role of the Regulator.
46	BOWMANS GILFILLAN ATTORNEYS (BOWMANS)	Presentation by Members of the Regulator on POPIA and the role of the Regulator at BOWMANS workshop.
47	FREEDOM HOUSE	Meeting held between Regulator and Freedom House on POPIA compliance.
48	ELECTORAL COMMISSION (IEC)	Presentation by Member on POPIA and its effects on Election Campaigns
49	DEPARTMENT OF HOME AFFAIRS (DHA)	Member attended Home Affairs workshop
50	DEPARTMENT OF ARTS AND CULTURE (DAC)	Presentation by Member of the Regulator on POPIA and the role of the Regulator at DAC Risk Committee workshop
51	NELSON MANDELA METROPOLITAN UNIVERSITY	Public Lecture by Members of the Regulator on POPIA and the role of the Regulator
52	STEEL AND ENGINEERING INDUSTRY FEDERATION OF SOUTH AFRICA (SEIFSA)	Member of the Regulator delivered an opening address at SEIFSA's Women's Day Event.
53	SOUTH AFRICAN MEDICAL ASSOCIATION (SAMA)	Presentation by Member of the Regulator on POPIA and the role of the Regulator at SAMA Workshop
54	EQUAL EDUCATION LAW CENTRE	Stakeholder engagement, capacity building and awareness session held to discuss POPIA.
55	DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM (DRDLR)	Presentation by Member of the Regulator on POPIA and the role of the Regulator at the DLDR Workshop
56	DEPARTMENT OF DEFENCE (DOD)	Presentation by Member of the Regulator on POPIA and the role of the Regulator at the DoD Workshop

No.	NAME OF ORGANISATION	TYPE OF ENGAGEMENT
57	INSTITUTE OF RETIREMENT FUND AFRICA (IRFA)	Presentation on POPIA by the Members of the Regulator
58	FREEDOM PARK	Presentation on POPIA by the Members of the Regulator
59	WEBBER WENZEL ATTORNEYS	Meeting held to discuss compliance with POPIA by Standard Bank
60	NKANGALA DISTRICT MUNICIPALITY	Presentation on POPIA by the Members of the Regulator
61	INVESTIGATORY POWERS COMMISSION	Members attended a meeting at University of Cape Town (UCT)
62	SOUTH AFRICAN POLICE SERVICES (SAPS)	Presentation on POPIA by the Members of the Regulator to the Regional Senior Commissioners within the SAPS
63	DEPARTMENT OF TELECOMMUNICATIONS AND POSTAL SERVICES	Presentation on POPIA by the Members of the Regulator
64	EUROPEAN DATA PROTECTION SUPERVISOR	Presentation by Member on POPIA and the Regulator at Workshop co-hosted by Department of Public Service and Administration (DPSA) and Human Science Research Council (HRSC)
65	SASSA, FREE STATE REGIONAL OFFICE	Presentation on POPIA by the Members of the Regulator
66	WERKMANS ATTORNEYS	Member of the Regulator was a Guest Speaker at the book launch and POPIA Round Table hosted by WERKMANS ATTORNEYS
67	ERNST AND YOUNG	Presentation by a Member on POPIA and the role of the Regulator at AIPP Chapter Workshop
68	AMAZON WEB SERVICES (AWS)	Presentation by a Member on POPIA and the role of the Regulator at the Workshop hosted by AWS
69	UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION (UNESCO)	Members participated in Sustainable Development Goals (SDG)16.2 Survey Workshop in Cape Town

5.2.3.3. International and Regional engagements

The Regulator attended the African Regional Conference on Data Protection hosted by Global Systems Mobile Association (GSMA) in Kigali, Rwanda in July 2018. The Regulator was represented by the Chairperson, Adv. Tlakula.

The Regulator also participated in the on going work of the Network of African Data Protection Authorities (NADA) which had its formal meetings during the course of the 1st

African Data Protection Conference which was hosted by the African Digital Rights Hub in Port Louis, Mauritius in conjunction with Google and Facebook in November 2018. The Regulator was represented by Mr Snail ka Mtuze. The theme of the Conference “African Data Protection“ spanned three (3) days over twelve (12) sessions. A half day pre-conference Workshop on Data Protection was organised by the Centre for Human Rights of the University of Pretoria.

The countries and organisations which participated in the workshop were:

- Mauritius (host);
- Burkina Faso;
- Kenya;
- Ghana;
- Nigeria;
- Council of Europe;
- South Africa;
- Angola;
- Uganda;
- Ivory Coast; and
- Morocco.

The two (2) Members of the Regulator, Prof. Pistorius and Adv. Stroom-Nzama attended a Case Handling Workshop on Freedom of Information in Budapest, Hungary on 26 and 27 November 2018. The Practitioners working at independent supervising national bodies gathered at the international Case Handling Workshop to discuss and share best practices as well as current difficulties in handling cases and complaints. The other purpose of the meeting was networking, since compared to the field of data protection and privacy, international cooperation and correspondence is not a common practice in the area of freedom of information as opposed to the area of data protection and privacy.

The countries which participated in the workshop were:

- Hungary (host);
- Republic of Albania;
- Republic of Croatia;
- Federal Republic of Germany;
- Gibraltar;
- Republic of Kosovo;
- Kingdom of Morocco;
- Republic of Serbia;

- Republic of Slovenia;
- Republic of South Africa; and
- United Kingdom of Great Britain and Northern Ireland.

The agenda for the workshop consisted of sixteen (16) presentations which were as a result of prior consultations among the participants. The workshop was based on strategic procedural and material topics in the legal environment relating to the enforcement of transparency and the global dissemination of public information. The workshop was concluded with a suggestion of organising future workshops and the possible host for the next Case Handling Workshop was either Gibraltar or Croatia in 2019.

Other regional and international stakeholder meetings are included in table 7 below.

Table 7: Names of Organisations and types of engagement

No.	NAME OF ORGANISATION	TYPE OF ENGAGEMENT
1.	GSMA - African Data Protection Conference in July 2018 - Rwanda, Kigali	Conference
2.	Visit by a delegation from Sri, Lanka	Study Tour on PAIA
3.	Visit by a delegation from Kenya	Study Tour on POPIA
4.	International Conference on Data Protection and Privacy Commissioner (ICDPPC) Brussels ,Belgium October 2018	Conference
5.	Network of African Data Protection Authority (NADA) - African Digital Rights Hub in conjunction with Google and Facebook in Mauritius, November 2018.	Conference
6.	Network of African Information Commissioner (NAIC) – Inaugural Event – March 2019	Meeting

5.2.3.4. International Conference of Information Commissioners.

On 11-13 March 2019, the Regulator, in partnership with the Center for Human Rights of the University of Pretoria hosted the 11th International Conference of Information Commissioners (ICIC) at the Vodacom Commercial Park in Midrand. The conference was attended by over two hundred (200) delegates from more than fifty (50) countries across the

globe, representing Information Commissioners, Ombudsmen, Government Agencies, Academics, International Institutions, and Civil Society Organisations. The theme of the conference was “Building international co-operation to strengthen public access to information globally“. The conference was officially opened by the Minister of Justice and Correctional Services, and consisted of a two (2) days session open to the public and a closed one (1) day session for Information Commissioners and Ombudsmen.

The conference was preceded by a workshop which was organised by UNESCO on the role of Information Commissioners in the monitoring the implementation of Sustainable Development Goal 16.10.2. The ICIC presented a historic opportunity for the greater inclusion of African Information Commissioners, most of them participated for the first time since the establishment of the ICIC in 2008. The inaugural meeting of the Network of African Information Commissioner was held in the margins of the ICIC. The Regulator was unanimously appointed as the interim Chair of the Network. The closed session adopted the “Johannesburg Declaration” and a Governance Charter for the ICIC, a milestone that was achieved for the first time since the establishment of the ICIC.

5.2.4. Publication of Regulations for POPIA

The Regulator tabled its Regulations in terms of section 112(2) of POPIA in Parliament on 3 December 2018. The Regulations were published in the Government Gazette on 14 December 2018. The Regulations will be effective on the date to be determined by the Regulator by proclamation in the Government Gazette.

5.2.5. Transfer of PAIA function

The engagements between the Regulator and the South African Human Rights Commission (SAHRC) with regard to the transfer of the PAIA function to the Regulator are on-going. The parties held quarterly meetings which are aimed at preparing for the transfer of the PAIA function to the Regulator. The Regulator will consider which component of the PAIA function can be implemented during the Transition Phase. This is aimed at ensuring a seamless transition of the PAIA function to the Regulator once the latter is operationalized.

5.2.6. Interactions with other Statutory Bodies

5.2.6.1. Electoral Commission (IEC)

The Regulator sought a Legal Opinion regarding direct marketing by political parties in terms of the provisions of POPIA. The request was prompted by complaints received from the

public regarding unsolicited campaigning messages they receive from political parties. The Regulator received a request from the IEC to brief the Political Liaison Committee (PLC) on the use of personal information by political parties for campaigning purposes. The outcome of the meeting was the development of a Guidance Note by the Regulator on the processing of personal information of a voter by a political party for campaigning purposes in terms of POPIA. A media statement was issued and the Guidance Note was referred to the Independent Electoral Commission for the attention of political parties.

5.2.6.2. National Consumer Commission (NCC)

A Memorandum of Understanding (MOU) between the Regulator and the NCC has been drafted. The MOU is yet to be signed by the parties to effect their obligations in terms of their enabling Acts, respectively.

PART C: CORPORATE GOVERNANCE

1. Introduction

The Regulator consists of the Chairperson and four (4) Members who together provide leadership and guidance when discharging the mandate of the Regulator. The Members are committed to ensuring that the values of the Regulator are adhered to in conducting all its strategic activities. As part of this commitment, the Members support the highest standards of corporate governance and the development of best practices which are fundamental to constitutional values and the Regulator's legal mandates. The Regulator must at all times adhere to the highest standards of good governance which involve the establishment of structures and processes with appropriate checks and balances.

Governance practices and processes will continue to guide the Regulator in the performance of its functions and duties in an effort to ensure that its operations are conducted ethically and within prudent risk parameters. Good corporate governance involves effective and ethical leadership. The Regulator aims to establish an ethical culture through appropriate risk management. The Regulator aims to be driven by results with a focus on holding executives accountable for their performance against strategic goals. It aims to ensure transparent reporting and disclosure of outcomes, value creation and impact on all types of capital (financial, intellectual, human, social, economic, and environmental) employed at the Regulator.

In order to ensure that the Members hold each other accountable, a draft Policy and Procedure on the Assessment of the Performance of the Members of the Regulator, both

individually and collectively, was developed and tabled for consideration. The purpose of the Policy is to promote accountability of individual Members in relation to the performance of the Regulator. This will enable the Members to assess the efficiency and effectiveness of their individual and collective performance and to make the necessary improvements.

The CEO is the Accounting Officer of the Regulator in terms of Section 52 (2) of POPIA and is appointed by the Regulator in terms of Section 47(1) of POPIA as the Head of Administration. The CEO is responsible for managing and directing the activities of the Regulator, supervising staff and its general administration, and for performing any function assigned to him/her in terms of section 48 of POPIA.

PART D: FINANCIAL PERFORMANCE

The Regulator did not produce Annual Financial Statements (AFS) for the 2018/19 financial year as its financial records form part of the AFS of the DoJ & CD and are audited by the AGSA. However, the Regulator hereby provides its report on the Expenditure versus the Budget for the reporting period as follows:

Table 8: Expenditure versus Budget

Description of item	2017/18 Financial Year				2018/19 Financial Year			
Description of Items	Final Appropriation R'000	Actual Expenditure R'000	Variance R'000	% Variance	Final Appropriation R'000	Actual Expenditure R'000	Variance R'000	% Variance
Compensation of employees	17,767	8,111	9,656		18,500	10,075	8,425	
Goods and services	7,745	2,393	5,352		6,328	6,328	0	
Capital Assets – Machinery and Equipment	177	169	8		714	714	0	
Total	25,689	10,673	15,016		25,542	17,117	8,425	

The above table reflects the actual expenditure of R10, 7 million against the appropriated budget of R25, 7 million and the under spending is due to the delay in filling the vacant positions that were categorized as phase one (1) of the organizational structure, namely: CEO, five (5) Executive Officers and seven (7) Personal Assistants. The under spending on Goods and Services and Capital Assets is linked to the filling of vacancies as the appointed personnel would have used the funds for travel and subsistence, telephones, workshops, meetings etc. whereas the capital budget was for furniture for staff and other audio visual equipment.

ACCRONYMS AND ABBREVIATIONS

4IR	Fourth Industrial Revolution
AI	Artificial Intelligence
AFS	Annual Financial Statements
AGSA	Auditor General South Africa
APP	Annual Performance Plan
AWS	Amazon Web Services
BASA	Banking Association of South Africa
BLA	Black Lawyers Association
CEO	Chief Executive Officer
CFO	Chief Financial Officer
Constitution	Constitution of the Republic of South Africa
CPS	Cash Paymaster Services
DAC	Department of Arts and Culture
DALRO	Dramatic Artistic and Literary Rights Organisation
DMASA	Direct Marketing Association of South Africa
Za.DNA	za. Domain Name Authority
DoJ&CD	Department of Justice and Constitutional Development
DPCI	Directorate for Priority Crimes Investigation
DPSA	Department of Public Service and Administration
DPTC	Department of Postal and Telecommunication
DRDLR	Department of Rural Development and Land Reform
Deputy Minister	Deputy Minister of Justice and Correctional Services
EY	Ernst and Young
GSMA	Global Systems Mobile Association
IAPP	International Association of Privacy Professionals
ICIC	International Conference of Information Commissioners
ICDPPC	International Conference on Data Protection and Privacy Commissioners
IEC	Independent Electoral Commission
IRFA	Institute of Retirement Fund Africa
KZN	Kwazulu-Natal

LDSD	Limpopo Department of Social Development
LRC	Legal Resource Centre
LSSA	Law Society of South Africa
MoC	Memorandum of Cooperation
MoU	Memorandum of Understanding
MMA	Media Monitoring Africa
Members	Members of the Regulator
Minister	Minister of Justice and Correctional Services
NADA	Network of African Data Protection Authorities
NAIC	Network of African Information Commissioners
NCC	National Consumer Commission
NCR	National Credit Regulator
NT	National Treasury
PAIA	Promotion of Access to Information Act
PASA	Payment Association of South Africa
PFMA	Public Finance Management Act
PIC	Public Investment Corporation
PLC	Political Liaison Committee
PSA	Proudly South Africa
POPIA	Protection of Personal Information Act
RAF	Road Accident Fund
Regulator	Information Regulator
SAHRC	South African Human Rights Commission
SAIA	South African Insurance Association
SAMA	South African Medical Association
SAPO	South African Post Office
SAPS	South African Police Service
SEIFSA	Steel and Engineering Industry Federation of South Africa
SOP	Standard Operating Procedures
SSA	State Security Agency
SASSA	South African Social Security Agency
UCT	University of Cape Town

UNESCO

United Nations Education, Scientific and Cultural Organisation

.zaDNA

.zaDomain Naming Authority



**INFORMATION
REGULATOR
(SOUTH AFRICA)**

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and efficient access to information

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