



# INFORMATION REGULATOR (SOUTH AFRICA)

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

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## TO EDITORS

### PRESS STATEMENT FOR IMMEDIATE RELEASE: 3 APRIL 2020

The Information Regulator (Regulator) has issued a Guidance Note on the processing (e.g. collection, receipt, usage) of personal information of data subjects (owner's of personal information) in the management and containment of COVID 19. The Guidance Note is issued in terms of the Protection of Personal Information Act (POPIA).

The issuance of the Guidance Note follows the publication of the Regulations which were made by the Minister of Cooperative Governance and Traditional Affairs, Dr. Nkosazana Dlamini-Zuma in terms of section 27(2) of the Disaster Management Act in March 2020 and the subsequent amendments thereto.

The purpose of the Guidance Note is to guide public and private bodies and their operators on the reasonable limitation of the right to privacy when they process personal information of data subjects for the purpose of managing the spread of COVID 19.

The Regulator recognises the need to effectively manage the spread of COVID 19, which has necessitated the limitation of various constitutional rights and supports the need to process personal information of data subjects for the purpose of curbing the spread of COVID 19, Pansy Tlakula, the Chairperson of the Regulator said.

The Guidance Note outlines the conditions for the lawful processing of personal information which public and private bodies must comply with when they process personal information of data subjects.

These conditions include the following obligations: to ensure that personal information is collected for a specific purpose only, namely to manage the spread of COVID 19, to put adequate security measures in place to ensure the integrity and confidentiality of personal information of data subjects and to destroy or delete the information when no longer authorised to retain it.

Tlakula said that the Guidance Note also addresses the issue of the provision of location based data by Electronic Communication Service Providers (ECSPs) to the Government to track data subjects in the management of COVID 19. In this regard, the Guidance Note stipulates that the ECSPs should provide the Government with the location based data of data subjects which the latter can use for managing COVID 19 if such provision complies with an obligation imposed by law amongst other requirements. However, the Government must ensure that it complies with all other applicable conditions for the lawful processing of personal information outlined in the Guidance Note.

The Regulator is cognisant of the fact that not all the provisions of POPIA have come into effect. However, it encourages proactive compliance with POPIA in order to give effect to the right to privacy as it relates to the protection of personal information.

The Guidance Note is attached.

**END.**

Issued by the Information Regulator

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