**POPI Personal Information Sharing Checklist**

**Based on UK Information Commissioner’s Office**

**Data Sharing Code of Practice, 2011**

**Template ‘Personal Information sharing request’ form**

|  |  |
| --- | --- |
| **Name of organisation:** |  |
| **Name and position of person requesting Personal Information:** |  |
| **Requesting person contact email and phone:** |  |
| **Personal Information requested:** |  |
| **Reference to Personal Information sharing agreement:** |  |
| **Purpose:** |  |
| **Date required by:** |  |
| **Any specific arrangements re: retention/deletion of Personal Information:** |  |
| **Date of request:** |  |
| **Signed:** |  |
| **Dated:** |  |

**POPI Personal Information Sharing Checklist**

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**Template ‘Personal Information sharing decision’ form**

|  |  |
| --- | --- |
| **Name of organisation requesting Personal Information:** |  |
| **Name and position of person requesting Personal Information:** |  |
| **Requesting person contact email and phone:** |  |
| **Personal Information requested:** |  |
| **Purpose:** |  |
| **Consent: was consent obtained to share? If not, why not?** |  |
| **Decision:** |  |
| **Personal Information supplied:** |  |
| **Decision taken by (name and position):** |  |
| **Date of disclosure:** |  |
| **Any specific arrangements re: retention/deletion of Personal Information:** |  |
| **Reason(s) for disclosure or non-disclosure:** |  |
| **Date request received:** |  |
| **Signed:** |  |
| **Dated:** |  |

**POPI Personal Information Sharing Checklist – systematic sharing**

**Based on UK Information Commissioner’s Office**

**Data Sharing Code of Practice, 2011**

Scenario: You want to enter into an agreement to share Personal Information (as defined in the POPI Act) on an ongoing basis

**Is the sharing justified?**

Key points to consider:

* What is the sharing meant to achieve?
* Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
* Is the sharing proportionate to the issue you are addressing?
* Could the objective be achieved without sharing Personal Information?

**Do you have the power to share?**

Key points to consider:

* The type of organisation you work for.
* Any relevant functions or powers of your organisation.
* The nature of the information you have been asked to share (for example, was it given in confidence?).
* Any legal obligation to share information (for example a statutory requirement or a court order).

**If you decide to share**

It is good practice to have a Personal Information sharing agreement in place. As well as considering the key points above, your Personal Information sharing agreement should cover the following issues:

* What information needs to be shared.
* The organisations that will be involved.
* What you need to tell people about the Personal Information sharing and how you will communicate that information.
* Measures to ensure adequate security is in place to protect the Personal Information being shared.
* What arrangements need to be in place to provide individuals with access to their Personal Information if they request it.
* Agreed common retention periods for the Personal Information.
* Processes to ensure secure deletion or destruction takes place.

**POPI Personal Information sharing checklist – one off requests**

**Based on UK Information Commissioner’s Office**

**Data Sharing Code of Practice, 2011**

Scenario: You are asked to share Personal Information relating to an individual or juristic entity in ‘one off’ circumstances

**Is the sharing justified?**

Key points to consider:

* Do you think you should share the information?
* Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
* Do you have concerns that an individual is at risk of serious harm?
* Do you need to consider an exemption in the POPI Act to share?

**Do you have the power to share?**

Key points to consider:

* The type of organisation you work for.
* Any relevant functions or powers of your organisation.
* The nature of the information you have been asked to share (for example was it given in confidence?).
* Any legal obligation to share information (for example a statutory requirement or a court order).

**If you decide to share**

Key points to consider:

• What Personal Information do you need to share?

– Only share what is necessary.

• How should the Personal Information be shared?

– Personal Information must be shared securely.

– Ensure you are giving Personal Information to the right person.

• Consider whether it is appropriate/safe to inform the individual that you have shared their Personal Information.

**Record your decision**

Record your Personal Information sharing decision and your reasoning – whether or not you shared the Personal Information.

If you share Personal Information you should record:

* What Personal Information was shared and for what purpose.
* Who it was shared with.
* When it was shared.
* Your justification for sharing.
* Whether the Personal Information was shared with or without consent.