

Guidelines when amending documents to account for POPI Act compliance

Scope evaluation

Is there anything relating to Personal Information as defined in the POPI Act which appears in the document which requires amendment?

Amend or replace

Should the document being evaluated be amended or replaced by an alternate document, potentially based on a merge of multiple documents?

Imbed clauses or provide addendum / appendix

What is the optimum way to handle the changes?

What role(s) is being addressed in the document

The purpose of the document (customer, supplier, employee, partner etc) and the roles identified?

- Data subject
- Responsible Party
- Data sharing party
- Operator
- Transborder Operator

Accounting for POPI Act compliance conditions:

To what extent must the document be amended to ensure compliance with the 8 Conditions and other relevant sections of the POPI Act?

- Condition 1 Accountability
- Condition 2 Processing Limitation
- Condition 3 Purpose Specification
- Condition 4 Further Processing Limitation
- Condition 5 Information Quality
- Condition 6 Openness
- Condition 7 Security Safeguards
- Condition 8 Data subject participation
- Processing of Special Personal Information
- Processing of Information of Children
- Information Officer
- Prior authorisation
- Direct Marketing
- Transborder

Other relevant policies:

Which organisation POPI-related policies or notices need to be referred to / cross-referenced?



IACT-Africa generic policy update clause for POPI Act compliance

Purpose

This clause is intended for use in policies where the policy involves the processing of “Personal Information” (PI) as defined in the POPI Act – this PI covers living individuals and juristic entities.

Advice on the use of the policy update clause

IACT-Africa recommends a detailed review of all corporate or business unit level policies to ensure the policy is compliant with the requirements of the POPI Act. Updates to existing policies for POPI Act compliance support may require any of the following:

- Changing existing clauses which refer to privacy or confidentiality in an existing policy
- Removing old inapplicable clauses from an existing policy
- Adding new clauses to an existing policy
- Adding an addendum or appendix to an existing policy
- Retiring one or more old policies and merging them and including the relevant POPI act compliance clauses
- Adding an entirely new policy

Suggested generic policy clause

This suggested clause is only the starting point for you to evaluate its use:

“The owner of this policy will ensure that all relevant aspects of POPI Act compliance relating to the purpose, scope, applicability and implementation of this policy will be achieved using reasonable and appropriate, organisational and technical steps. This includes the implementation of operational procedures, education and training and monitoring of policy compliance. Specifically, the use of this policy will meet the minimum requirements of:

- Consent
- Direct marketing
- Further processing
- Minimality
- Notification
- Prior authorisation
- Purpose
- Quality
- Record retention
- Right of access
- Security
- Special personal information
- Transborder”

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