

Seminar on Decoding the Protection of Personal Information Act (Online)

Presented by the Department of Mercantile Law, University of Pretoria

The **Seminar on Decoding the Protection of Personal Information Act** online course provides a practical overview of the Protection of Personal Information Act (POPIA). POPIA gives effect to the constitutional right to privacy, enshrined in South Africa's Constitution. The right to privacy includes a right to protection against the unlawful collection, retention, dissemination and use of personal information.

POPIA is effective from 1 July 2020

The bulk of POPIA's requirements came into effect on 1 July 2020 and organisations have a year to comply with POPIA's requirements.

Consequences of non-compliance:

POPIA has dire consequences for any party being convicted of an offence in terms of the Act.

- A maximum period of imprisonment of 10 years, or an undisclosed maximum fine (each fine to be determined by the relevant court on a case-by-case basis) can be levied.
- The Regulator may institute administrative fines up to an amount of R10 million.
- Should there be interference with a data subject's protection of personal information, the aggrieved party may lay a complaint in accordance with the Act with the Regulator. A negotiated settlement is one of the outcomes of the complaints procedure.
- POPIA also provides for civil remedies, where the court may award an amount that in its discretion is just and equitable. This amount includes:
 - payment for damages as compensation for losses suffered by a data subject as a result of a breach of the provisions of the Act
 - aggravated damages, in an amount determined in the court's discretion
 - interest, and
 - costs on a scale as determined by the court.

Potential risks to business

Non-compliance poses a huge reputational, financial (administrative fines of up to R10 million) and operational risk (spending operational time to re-actively align business processes with requirements).

The biggest impact on business could generally be in the following areas:

- Customer interaction.
- Human Resources (processing of employee information).
- Information Management (the classification, retention and security of information).
- Finance: debtors and creditors information, and
- Cross-border transfers of personal information.

It is also imperative that organisations ensure compliance with PAIA and it is recommended that PAIA compliance be included in the scope of POPIA readiness exercises.

Seminar content

1. When is POPIA applicable?

- The key concepts and important definitions.
- What does POPIA cover?
- The role players – the data subject, responsible party and the regulator.

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2. Compliance and content

- What duties are created for business?
- How will POPIA affect organisations?
- Determining a purpose?
- How to process.
- The eight core conditions.
- Information security safeguards.
- Marketing to customers.
- Automated decision making.

3. The effect of non-compliance

4. Guidelines for compliance

Learning outcomes

After attending the seminar, you will be able to understand and start to apply the basic rules and principles of POPIA in order to ensure compliance.

Who should enrol?

The seminar is ideal for you if you are a/an:

- Legal practitioner
- CIO and IT manager
- Information Officer
- Marketing Manager
- Compliance Officer
- Auditor and Accountant
- Risk Officer and Manager
- HR and Payroll Manager
- Director and CEO

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