

POPIA in a nutshell webinar 9 July 2020

Q&A Summary

Remember that you can **contact our POPIA Specialist Consultant** on:



No	Name	Question	Answer
1.	Catherine Williams	How does this relate to social media e.g. facebook?	<p>@Catherine: Social media has not been regulated, but it is definitely getting more serious now. People are advised not to use anything other than a personal platform when voicing opinions.</p> <p>I have seen that businesses also now compile Policies & Procedures relating to Social Media – and this is a very good idea.</p> <p>SAICA issued a Social Media guide, which you can access on https://www.saica.co.za/Portals/0/documents/Social_Media_Guidelines_V2.pdf</p> <p>Jacques has responded as follows:</p> <p>Facebook/Linkedin etc. are in the process to open DataCenters in South Africa. Business page will have to include terms and conditionings, where the followers agree that you may contact them and market directly.</p>
2.	Mahlodi	Can I refer a client without informing the service provider	<p>@Mahlodi: My gut feel says YES, you can – if your engagement letter with your client includes this as a possibility, to which your client has basically consented to by signing the engagement letter.</p> <p>Jacques has responded as follows:</p> <p>Please clarify the question. You may not give any personal information to anyone without their approval.</p>
3.	Catherine Williams	How does this relate to for example if your client sends you a scan of their identity document on an email?	<p>@Catherine: The ID is regarded as personal information, and therefore you need to, among others, safeguard it in terms of POPIA</p> <p>Jacques has responded as follows:</p> <p>Yes, you have to safeguard according to POPIA. You have to make sure that this information is only accessible to authorized users, electronically and physically. This range from your email server to your local file server and the backup you store, in a nutshell. <i>We might need to have a workshop session with Catherine.</i></p>

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4.	Johan Leiding	If an employee is tested positive for Covid-19, can they refuse to disclose this and what can an employer do to gain access to this info to protect the business/employees?	<p>@Johan: I don't think they can refuse, as it is one of the employees' obligations in terms of Lockdown and OHS Regulations.</p> <p>https://www.werksmans.com/wp-content/uploads/2020/03/The-effects-of-the-corona-virus-in-the-workplace-FINAL.pdf</p> <p>Jacques has responded as follows:</p> <p>No, an employee may not refuse this information, it's currently legislation that everyone must declare this. It's not the same as HIV.</p>
5.	Inge	How does it affect in cloud storage via Dropbox or Google drive or one drive	<p>@Inge: I have read that these service providers are scurrying to find solutions to keep the data local, i.e. inside SA. I will keep you updated when I have more information.</p> <p>Jacques has responded as follows:</p> <p>Dropbox and Google drive is offshore, and this is absolutely against POPIA. All this information will have to be in RSA. We can assist.</p>
6.	Myburgh	Should we start to warn our clients who use gmail for all of their communication purposes about this?	<p>@Myburgh: Absolutely. Until they find a localised server, this will be a very high-risk area.</p> <p>Jacques has responded as follows:</p> <p>Absolutely they should have a domain registered and email accounts in RSA. We can assist. Lettie may upload the pricing to you.</p>
7.	Catherine Williams	What about schools that are using Google Classroom for online classes and assignments? This would have the child's details on?	<p>@Catherine: Definitely. And POPIA has very serious and specific implications for schools.</p> <p>Jacques has responded as follows:</p> <p>This is against POPIA and all information regarding minors will be treated very seriously. As an example, the school may not upload or take a photo of a child without the parents' consent. Schools should use MS Teams; we can assist with the setup.</p>
8.	Bjorn	Hi Lettie. Thank you very much for this session. Had no idea that this was so serious. Will have to start this and will need LOTS of help, not only for myself but my clients as well.	<p>@Bjorn: That's why we are here to help!</p>
9.	Myburgh	When we help our clients to do their duty i.t.o. for instance the UIF, we ask them to supply their employees' ID documents, etc. Will they have to inform their employees then that we as accountants have this info and will they need the employees' consent to have us help them with registrations, etc?	<p>@Myburgh: Yes, that is correct.</p>

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10.	Michael Harvey	Would a communication tools such as a private skype account (if used at work in personal capacity and not skype for business) be an issue with POPI?	If it used for work, it will be issue for POPIA. Only pure household use of personal information is excluded from POPIA Jacques has responded as follows: Exactly if personal information is shared the medium is irrelevant.
11.	Nico	Thanks for a great session as usual. Is the currently any Cloud storage that can be regarded as "Safe & Legal" (not outside the country)?	@Nico: Jacques has responded as follows: Yes, we have Data Centers available, these have been audited. Please send me your contact details at jacques@xtremesystems.co.za. When received we will make contact with you to discuss your requirements.
12.	Uwe Birkner	How secure is Click Meeting?	We will try to include an evaluation of this and other platforms during our next webinar. Jacques has responded as follows: The first point of reference is this not hosted in RSA, there for you are sending information out of the country. Use MS teams, the application works fantastic and their DataCenters are now in RSA.
13.	Monica van der Westhuizen	How secure is Microsoft Teams?	We will try to include an evaluation of this and other platforms during our next webinar. Jacques has responded as follows: Great no problem with the application and hosted in RSA. The question here would be how secure is your internet connection?
14.	Nicky De Bliquey	Another aspect would also be our online accounting packages that have client details on for invoicing etc.	We will try to include an evaluation of this and other platforms during our next webinar. Jacques has responded as follows: Yes correct, you have to ensure that this is information is local and that your provider is backing up this info into a DR (Disaster recovery) site.
15.	Wessel Steyl	SA is too small a market for Google to be bothered	We will try to include an evaluation of this and other platforms during our next webinar. Jacques has responded as follows: Eventually Google will have a DataCenter in RSA.
16.	Niel	Is there any specific "comment/remarks/phrase" at the bottom of each email we send that we can add to make us more compliant?	I will follow up with Jacques, but YES, there is. Jacques has responded as follows: Yes we can assist, please contact me, we will have a consultant contacting you.
17.	Catherine Williams	Just going back to facebook, what about unsolicited adverts that come up on your timeline?	Manage your preferences and settings. You can always unselect seeing those ads in future. Jacques has responded as follows: Facebook has a huge problem and basically in court every day. This will stop.
18.	Sanette	Last one, what can we add in employment contracts to ensure covered - specifically with outsourced payroll? outsourced WSP or Equity consultants, BEE etc?	Jacques has responded as follows: Contact us we can assist; consultant will get in touch.

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19.	Adrian Modikwe	<p>Just a question regarding service providers for software programmes; I am currently looking at contracts for the purchase of a software programme for the SAIT. The programme belongs to and is designed by a Norwegian company called Inspera.</p> <p>The programme is a complete, end-to-end online assessment platform to be utilised for examination and assessment purposes for pupils of the Tax Faculty. It is in line with GDPR guidelines and regulations; it was mentioned in the webinar that all servers where data and information pertaining to data subjects is stored must be within the Republic of South Africa. Further, being a European product reference is made to “controllers” as opposed to “Responsible Parties”.</p> <p>I would like to ensure that whatever programmes we use will be in line with POPI as we are commencing with implementation; are there any foreseeable risks in utilising a European product with servers abroad in this regard? And I wonder if Jacques can also provide some guidance here.</p>	<p>Jacques has responded as follows: GDPR and POPIA is based on the same principals, if a software package or application adhere to GDPR it will also adhere to POPIA. The question however is where will the DATA reside? This is an online application and I believe the in Norway. This for Europe they are complaint, but for RSA you will be sending DATA out of the country.</p> <p>Please contact us, we can guide you in the right direction. If this is the only software application that will cater for you needs, I will contact the company in Norway on your behalf to find out if your data can be hosted and stored in our DataCenter.</p>
20.	Claudette Botha	What are the requirements to become a POPIA facilitator for my clients?	<p>Jacques has responded as follows: You are welcome to use my consultants as your own.</p>

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