

POPIA Webinar Series – Nr 5

Presenter: **Lettie Janse van Vuuren CA(SA)**



10 DECEMBER 2020

The Protection of Personal Information Act
Specific Industry Detail (requirements)

Presenter

Lettie Janse van Vuuren CA(SA), RA, CBA(SA)

- Lettie joined SA Accounting Academy in November 2017 as Head of Technical. She is a Chartered Accountant, Registered Auditor and Certified Business Accountant.
- She is a **professional trainer and webinar host**, and with her relaxed and humorous presentation style, she is able to hold the attention of an audience. She has a unique ability to communicate with delegates at their respective levels of knowledge and experience. Over the last 20 years, she has trained thousands of partners, managers, trainee accountants and other professionals.
- She is responsible for our MCLU (Monthly Compliance and Legislation Updates).
- She was the Professional Development Manager at SAICA for 4 years and in charge of accrediting new training offices and monitoring existing ones (including the moderation of training offices and trainee assessments).
- Lettie is passionate about improving the efficiency and standardisation at practices. She has extensive experience on a variety of technical and practical topics which she consults on, including: SAICA re-accreditation assistance and preparation, IRBA inspection assistance and preparation, audit file reviews (post-issuance monitoring and EQCR), Quality control implementation, other office-specific manuals, and FASSET skills development facilitation.



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Where appropriate, a Q & A Summary will be uploaded to your profile as soon as all answers have been documented.

WHAT'S ON THE AGENDA?

Table of Contents

Recap: Where did we end with the previous webinar?

Subject Matter: Specific Industry requirements for personal info:

- ☐ COVID-19
- ☐ Financial sector (patented information)
- ☐ Education
- ☐ Health sector
- ☐ Residential / Gated communities
- ☐ Law firms



Which info about me is out there in the world?



RECAP

THE BASICS OF POPIA

Recap on the Basics of POPIA

The basics have been summarized in detail in your previous Webinar Material:

1. Introduction
 - POPI vs POPIA
2. What are the Objectives of the Act?
3. Who does the Act apply to?
 - Private body
 - Public body
 - Exclusions
4. The Role Players
 - Data subject
 - Responsible party
 - Operator
 - Information officer
 - Information Regulator
5. What does it mean to “Process” information?
6. Which Type of Information is protected?
 - What is included in “Personal information”?
7. Interaction with GDPR
8. Penalties and Fines
9. Other consequences of Non-Compliance with POPIA to consider
 - Impact on organisation
 - Impact on employee
 - Considerations for the auditors & accountants (NOCLAR)
10. The Information Regulator
11. Links to relevant Legislation

The Basics of POPIA has been saved in a separate Source Document – which is available to you

Where did we end last time?



**Guest presentation by CEO of Montana Data Company,
Elmar Schorndorfer, on the important topics of
Protection & Recovery of data**

Today we deal with the
requirements of a select few
specific industries...
aka Subject Matter detail



Introduction

As a business owner, your operational concerns include security and the protection of personal information. POPIA came into effect 1 July 2020 and a grace period of 12 months has been given to businesses to comply. Therefore, as of 1 July 2021, all businesses will have to be POPIA compliant.

You must be able to prove compliance as from 1 July 2021 – remember NOCLAR is a reportable matter!

The POPI Act protects data subjects from theft and discrimination and when breached will impact the responsible parties with heavy fines, imprisonment or both.

The unlawful and unauthorised use of personal information of individuals is reported to be rising at an alarming rate within the country. **Cybercrime** and **identity theft** are serious crimes that pose massive threats to individuals who part with their personal information when dealing with various institutions.

Remember...What is Personal information?

"personal information" means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-

- a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- b) information relating to the education or the medical, financial, criminal or employment history of the person;
- c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;

What is Personal information? *(continued)*

- d) the biometric information of the person;
- e) the personal opinions, views or preferences of the person;
- f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- g) the views or opinions of another individual about the person; and
- h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;

Remember...What does it mean to “process” info?

"**processing**" means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including-

- a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- b) dissemination by means of transmission, distribution or making available in any other form; or
- c) merging, linking, as well as restriction, degradation, erasure or destruction of information;

How long should personal info be retained?

= No longer than is necessary to achieve the purpose for which it was collected

Employers process personal & special personal info for various purposes

- Legal obligations / Complying with the law
- Recruitment
- Training
- Promotion
- Discipline
- Security
- Monitoring/Assessing
- Performance
- Quality Control
- Customer Service
- Health and Safety in the Workplace
- Conclusion of Contracts

Some things to consider

- What do specific industries require in terms of personal information?
- How does POPIA specifically affect each of the following industries?
 - COVID-19
 - Financial sector (patented information)
 - Education
 - Health sector
 - Residential / Gated communities
 - Law firms

It's not just about how POPIA affects your organisation, but also how it affects the world in which you live, e.g. your office park, your transactions with hospitals, banks, etc.

Industry: COVID-19

➔ Let's have a look at what a pandemic did to this subject matter data and how this fits into POPIA

- ❑ *Temperature, ID number, symptoms, etc.*
- ❑ *Current Coronavirus status*
- ❑ *The employer is obliged to maintain a safe and hazardous free working environment in terms of the OHSA, and can request specific info on the health status of an employee*

Refer to the Source Documents for full detail:

- *InfoRegSA-GuidanceNote-PPI-Covid19-20200403*
- *0_ENSafrica webinar - COVID-19, POPIA and the workplace 23 July 2020*

Industry: COVID-19 (continued)

➔ **Guidance Note** issued by Information Regulator

- ❑ *Purpose = 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*
- ❑ *It 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 authorized to retain it.*

Industry: Financial sector

➔ Is all your personal / confidential data protected?

➔ *LOTS of info is kept by financial industry:*

- ☐ *Name, ID number, Address, telephone numbers, email address*
- ☐ *Account information, Credit score, passwords, etc.*
- ☐ *Insurers – policy info, e.g. smoker*
- ☐ *Financial advisers – Financial history, personal information of beneficiaries, medical health info*
- ☐ *Audit, Tax & Accounting services – Contact info, financial info, tax info, etc.*

Refer to the Source Document for full detail:

- *INFO on Financial Services Sector*

Industry: Education

- ➔ How does POPIA affect education? Where is data kept?
- ➔ What may and may not happen from a creche to universities?
 - ❑ *Standard processes and documents like indemnity forms, deployment reports and educator details are all protected.*
 - ❑ *Even processes such as submitting reports to the department is affected by the Act*

Refer to the Source Documents for full detail:

- *INFO on Education Sector*
- *Universities of SA POPIA Code of Conduct*

Industry: Health sector

- ➔ How does POPIA affect the health industry, from the department to a pharmacy?
- ☐ *Health records must be protected!*
 - ☐ *A patient's information is confidential and a person may only disclose it in certain circumstances*
 - ☐ *The time-honoured sharing of information between colleagues cannot continue given the new legislation*
 - ☐ *Special personal info = health info (present)*
 - ☐ *Personal info = Medical history (past)*

Refer to the Source Document for full detail:

- *INFO on Healthcare industry*

Industry: Residential / Gated communities

➔ Does the local HOA have any idea what is coming their way?

- ❑ *Significant implications for owners, tenants and executives in community housing schemes like sectional title complexes, apartment blocks, residential estates and retirement villages*
- ❑ *Trustees must now be able to respond when owners want to know what they are doing with their personal information*
- ❑ *When you enter an office park – which information do you provide whilst completing the visitor's register?*

Refer to the Source Document for full detail:

- *INFO on Gated communities and Sectional title property*

Industry: Law firms

A lot of law firms are advertising as being “privacy and data protection law specialists”

- ➔ Document management, is there a system in place to protect all the printed files?
- ➔ What happens if all the physical documents are gone?
- ➔ Are all your conversations private via telephone?
 - ❑ *How secure is “Legal privilege”?*

Refer to the Source Document for full detail:

- *POPIA for SA Law Firms_LSSA Guidelines2018*

In closing...

- ✓ Remember, you and other businesses in SA must be able to prove compliance as from 1 July 2021.
- ✓ A good information retention policy must be implemented and reviewed regularly. It should cover how the information is stored and secured, how long it is stored and with whom the information is shared
- ✓ Ultimately, the requirements of POPIA should not be seen as onerous within specific industries, they should be seen as good business practice for day-to-day operations.
- ✓ Communicate with those industry entities that you deal with, and ensure that your personal information is protected.
- ✓ Don't forget to worry about the information that you hold in respect of clients and other data subjects!

Contact our POPIA Experts



MONTANA
DATA COMPANY

Elmar Schorndorfer
CEO

+27 83 652 3242
elmarsc@montanadc.com

Karabo Letlhaku
Account Executive

+27 84 550 9798
karabol@montanadc.com

What's Next???

1. Date for the next instalment of the POPIA Compliance Series:
 - **14 January 2021**
 - **Every month until end of June 2020 – Some of the practical and critical issues that your organisation needs to address urgently**
 - ❑ We have restructured the rest of the series up to date of compliance in June 2021 to rather focus on how to get ready and help you with issues that you are faced with
2. *Watch your e-mail inbox to book in advance for the rest of the webinar series and receive a discount!*

QUESTIONS



Formal Q&A Session

We will now take a **quick comfort break** before we discuss some questions received during the webinar.

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**Thank you for your
participation!**