



Companies and Intellectual  
Property Commission  
a member of **the dtic** group

## CUSTOMER NOTICE

### THE PROTECTION OF PERSONAL INFORMATION ACT AND THE CIPC

The Protection of Personal Information Act, 4 of 2013 (“POPIA”) came into operation on the 1<sup>st</sup> of July 2021, with various requirements applicable to both public and private bodies.

The POPIA legislation indicates that it must be interpreted in such a manner that-  
**“does not prevent any public or private body from exercising or performing its powers, duties and functions in terms of the law as far as such power, duties and functions relate to the processing of personal information and such processing is in accordance with this Act or any other legislation”**

The Companies Act, 2008, section 187(4) details part of the functions of the Companies and Intellectual Property Commission (CIPC) and states the following:-

**“(4) The Commission must-**

**(a) establish and maintain in the prescribed manner and form-**

**(i) a companies register; and**

**(ii) any other register contemplated in this Act, or in any other legislation that assigns a registry function to the Commission;**

**(b) ...;**

**(c) make the information in those registers efficiently and effectively available to the public and to other organs of state;”**

Section 187 of the Companies Act further describes in detail that the information contained in the registers mentioned above must be made available to any person.

Subsection 5 provides for any person to inspect a document, obtain a certificate from the Commission or obtain a copy of any document that forms part of the CIPC registers. The subsection also provides for electronic access to the CIPC registers.

Although every possible and reasonable safeguards (such as recordal of access and/or requests to the CIPC database) are built into the CIPC systems to ensure that no unauthorized access is obtained, the information forms part of the public domain and is available for public consumption.

Important to note is the provisions of section 38 of POPIA, which explains that any personal information processed by a public body for the purpose of performing any relevant function of that body, is exempt from certain restrictions as described in POPIA, to the extent that applications of those provisions (restrictions) to the personal information would likely prejudice the proper discharge of that public body’s functions.

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The above sections highlight and confirm the fact that the CIPC must provide access to its registers and the data contained thereon as effectively and efficiently as possible, in order to perform its functions as a public body properly and in compliance with the Companies Act, and other relevant legislation.



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**Adv. Rory Voller**  
**Commissioner: CIPC**  
**Date: 30 August 2021**