



Protection of Personal Information Act (POPIA)

Draft Guidelines on the Registration of Information Officers published by the Information Regulator

Following the commencement of the substantive provisions of the Protection of Personal Information Act 4 of 2013 (POPIA), the Information Regulator has now published draft Guidelines on the Registration of Information Officers (draft Guidelines) for public comment.

For private bodies, the information officer is automatically the head of the body – such as the chief executive officer – who must take up their duties after being registered with the Information Regulator. The procedure for the registration of an information officer is set out in the draft Guidelines, which stipulate that the procedure must be completed on or before 31 March 2021.

The duties of an information officer are set out in section 55(1) of POPIA, and include to encourage compliance with the conditions for the lawful processing of personal information; to deal with requests made in terms of POPIA; to work with the Information Regulator in relation to investigations; and to otherwise ensure compliance with the provisions of POPIA. Additionally, the information officer is responsible for ensuring the following:

- That a compliance framework is developed, implemented, monitored and maintained.
- That a personal information impact assessment is done to ensure that adequate measures and standards exist in order to comply with the conditions for the lawful processing of personal information.
- That a manual is developed, monitored, maintained and made available in terms of the Promotion of Access to Information Act 2 of 2000 (PAIA).
- That internal measures are developed together with adequate systems to process requests for information or access thereto.

- That internal awareness sessions are conducted regarding the provisions of POPIA, regulations made in terms of POPIA, codes of conduct, or information obtained from the Information Regulator.

POPIA also provides for the designation of one or more deputy information officers to perform these duties for a private body. The draft Guidelines require that the designation must be in writing, and that a person designated as a deputy information officer must be afforded sufficient time, adequate resources and the financial means to devote to matters concerning POPIA and PAIA. In determining who should be the deputy information officer, the draft Guidelines provide that only an employee at the level of management or above should be considered for designation as a deputy information officer, and that employees with institutional knowledge should be preferred.

The draft guidelines further recommend that a body must ensure that an information officer and deputy information officer(s) receive appropriate training and keep abreast of the relevant developments in POPIA and PAIA.

The deadline for submissions on the draft Guidelines is 16h00 on 16 August 2020, and can be emailed to NNemasisi@justice.gov.za.

Article written by Avani Singh, Director and Co-Founder of ALT Advisory

Please note: The information contained in this note is for general guidance on matters of interest and does not constitute legal advice.



Avani Singh is a practising attorney, and the director and co-founder of ALT Advisory. She is also a member of the IAB SA Executive Board. Avani writes in her personal capacity.

IAB Popia Workshops

With the upcoming enforcement date of 1 July 2021 in mind, the IAB South Africa will be developing guidelines on the implementation of POPIA for the industry, and will be co-hosting workshops on data protection compliance, as well as specifically for Information Officers. For more information, please contact Paula Hulley at paula@iabsa.net.

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