

# POPIA plain language guide

## What's POPIA?

The Protection of Personal Information Act (POPI Act or POPIA) aims to protect personal information. POPIA protects natural and juristic persons like:

- Companies
- Living people
- Closed corporations
- Trusts

## What's personal information?

Information that identifies a living person like:

- Race and Gender
- Contact
- Financial
- Medical
- Employment and Criminal history
- Education

## What's special personal information?

It's a subcategory of personal information that's considered *sensitive information*. It's information that can be used to *unfairly discriminate* against a person like:

- Race and Ethnicity
- Criminal Behaviour
- Health
- Biometric Information
- Trade Union Membership

POPIA ensures that you can't use special personal information without authorisation.

1. **General authorisation** that applies to all types of special personal information.
2. **Specific authorisation** that relates to each type of special personal information

## So, what's data processing?

Processing personal information isn't just about opening a file, reading a document, or emailing information to someone. Processing includes:

- Deleting or editing documents
- Saving documents to a USB
- Transferring documents from one device to another

Processing covers all the different ways you handle personal information in both physical and electronic format.

Does POPIA only apply to electronic information?

No POPIA applies to all personal information regardless of what form it's in.

- Paper
- Audio recordings
- Video recordings
- WhatsApp

## Who are the role players?

- Data Subject** - The person who the personal information is about.
- Responsible Party** - Your organisation. The organisation that decides how and why to process personal information.
- Operator** - The party that processes personal information for the responsible party.

It's not always necessary to get a data subject's consent to process their personal information.

## The 8 conditions of lawful processing

- Key:
- Responsible Party = RP
  - Personal Information = PI
  - Data Subject = DS

- 1 Accountability**  
The RP must take accountability to comply with POPI
- 2 Processing Limitation**  
The RP must have a good reason for processing information e.g. consent.
- 3 Purpose specification**  
The DS must know the reason why the RP is processing their personal information.
- 4 Further processing limitation**  
The RP must ensure that if PI is processed again it must be used for the original purpose that they informed the DS about
- 5 Information quality**  
The RP must ensure the PI they process is accurate and complete
- 6 Openness**  
The RP must process PI in a way that allows the DS to know what's happening to their PI
- 7 Security Safeguards**  
The RP must provide appropriate and reasonable security measures for PI
- 8 Data Subject Participation**  
The RP must communicate with the DS about processing and must allow the DS to correct or update their info.

## Take your next steps with Michalsons

- Consult a specialist
- Join the programme