



South Africa's PoPI playing fields

The Protection of Personal Information (PoPI) Act takes *full* effect on 1 July this year. That is just 5 months away! Through a series of eFiles over the next few weeks, we will highlight some topical issues that may (after much scrutiny) apply to your business, even though you may think they do not.

If your business deals with personal information, please take note that according to PoPI:

Personal Information is any data that can be used to identify a person and would include a person's name, address, identity number, phone number or email address (this is very wide); and

Processing is extremely broadly defined (our emphasis below) as:

.....any **operation or activity** or any set of operations, whether or not by automatic means, concerning personal information, including –

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

As you can see, if you **collect, receive, store, modify, retrieve, alter, transmit or distribute** personal information then you will, according to the PoPI definition, process data and you must comply with PoPI. Due to the broad definition, the fact that you may apply end-to-end encryption to prevent unauthorised use or access to the personal data does not mean that PoPI will not apply – the very act of encryption could also be seen as processing personal information.

A quick due diligence would assist to determine how these issues may affect your business.

If you have any questions or concerns, you are welcome to get in touch with us.

In the next edition, we will look at insurance, liability and PoPI and how it may affect you.

By Melissa Hattersley (Myska): melissah@harty.law

The eFiles is a periodic newsletter which is distributed free of charge. To subscribe, e-mail efiles@harty.law with "Subscribe" as the subject. To unsubscribe, send an e-mail with "Unsubscribe" as the subject. This newsletter must not be considered as (and is not), legal advice. Your individual situation may not fit the generalisations discussed and you should seek legal advice as necessary. You may forward, distribute and copy this eFile as long as you distribute and copy it without any changes and you include all headers and other identifying information but you *may not* copy it to a website without our prior written consent. If you would like information about obtaining legal services from Harty Rushmere (including a presentation on this topic), you can contact Neil Harty at +27(0)11 884-0792 or visit our Web site at www.harty.law. © Harty Rushmere.