

PROTECTION OF PERSONAL INFORMATION ACT (POPIA)

The Protection of Personal Information Act No.4 of 2013 commonly known as “POPIA” came into full force and effect on 1 July 2021. POPIA seeks to protect natural and juristic persons from harm by protecting their personal information. POPIA sets out eight conditions for the lawful processing of personal information. In that way, the Act seeks to balance the right to privacy against other rights, particularly the right of access to information.

In compliance with the Promotion of Access to Information Act (PAIA) and POPIA; the National Treasury (NT) appointed Deputy Information Officers, who will assist the Director-General, who is the Information Officer in terms of the PAIA & POPIA, to oversee the implementation of POPIA as well as attend to all requests made for access to personal information as prescribed in POPIA, as well as PAIA. All requests for access to information should be directed to Ms Talent Mtungwa/ Ms Ditshego Magoro/ Ms Patricia Tomotomo and forwarded to paia@treasury.gov.za. POPIA related requests for information should be directed to popia@treasury.gov.za.

The NT has also published a PAIA manual; copies of the PAIA and POPIA legislations on its website, together with the prescribed forms, for completion by any one requesting access to any information that is in its custody; including personal information.

In compliance with the POPIA; the NT undertakes to process personal information or special personal information as defined by the POPIA as follows:

1. Personal information may only be processed in a fair and lawful manner and only with the consent of the data subject or a competent person where the data subject is a minor;
2. Personal information may only be processed for specific, explicitly defined and legitimate reasons.
3. Personal information may not be processed for a secondary purpose unless that processing is compatible with the original purpose
4. Reasonable steps will be taken to ensure that the personal information collected is complete, accurate, not misleading and updated where necessary.

5. The data subject whose information is collected will be made aware that NT is collecting such personal information and for what purpose the information will be used.
6. Processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party;
7. Personal information will be kept secure against the risk of loss, unlawful access, interference, modification, unauthorized destruction and disclosure.
8. Data subjects may request whether their personal information is held, as well as the correction and/or deletion of any personal information held about them.

In terms of POPIA, a data subject has the following rights:

1. The right to know what information is being kept, how it is being used, and when the NT may disclose it;
2. The right to correct their details. The NT will keep information updated or as captured by the data subject.
3. The right to revoke consent. Data subjects may revoke the consent that has been given. This should be done in writing and addressed to the Information Officer or Deputy Information Officer(s) at PAIA@treasury.gov.za.