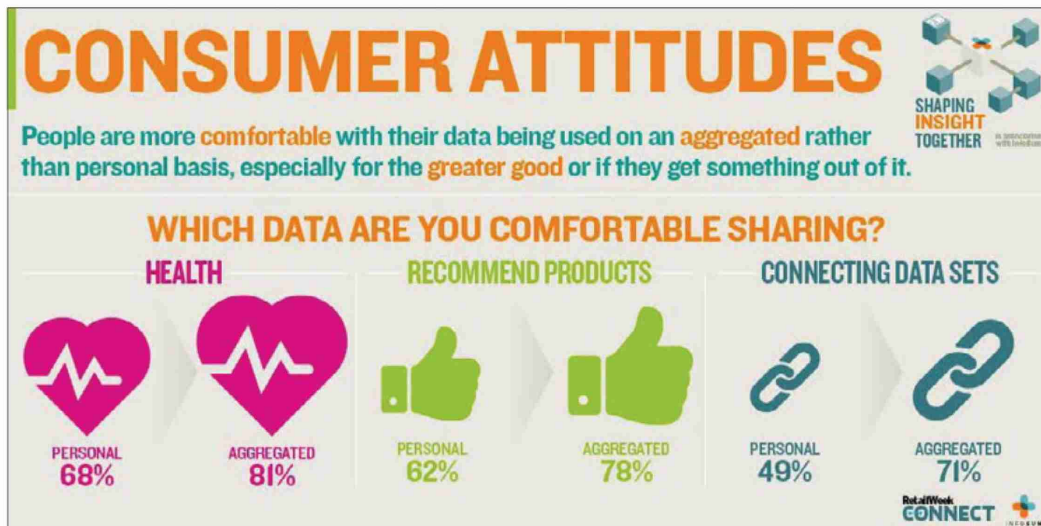


# What You Need to Know About the POPI Act



On 1 July 2020 South Africa's Protection of Personal Information Act (POPIA) officially came into effect. The Act is designed to give people more control over their personal information and how it gets used.

The situation in South Africa differs from that of many other countries that have similar legislation, because most countries regulate the processing of people's personal information only. However, in South Africa, the law also regulates personal information of existing companies, close corporations and the like.

POPIA is going to impact the way the automotive industry does business in many ways, but in order to determine to what extent it is important to first understand the definitions of "personal information" and "processing".

The definition of personal information covers a very broad spectrum of information, such as a person's race, gender, age, medical history, employment history, address and various other classes of information. The definition also includes a person's biometric information (such as their fingerprints), as well as private correspondence and opinions of an individual.

Processing has an equally wide definition. Basically it covers anything that

one can do with personal information. It would include anything from collecting information to destroying it. For this reason, businesses must carefully consider what they do with personal information and whether it is even necessary to collect that information in the first place.

To this end it is important to review the forms used to gather information (for

example application forms) to determine whether it is necessary to request all the information dealt with in those forms. What this means is that if you don't need to have the piece of information for the purpose of the transaction, you should not ask for it.

The POPIA also identifies three key role players that will be involved in the protection of personal information.

The responsible party is the party that processes the personal information. The responsible party determines the purpose for which the personal information is needed and who can outsource a part or all of the processing of the personal information to a third party.

The person to whom the personal information relates is known as the data subject. An example of this would be a consumer such as a person buying a vehicle.

If a third party processes personal information for a responsible party, the third party will be a processor. An example of this would be the deeds office.

Of course there are plenty of other factors that need to be considered too.

One of these is the fact that de-identified or aggregated information does not fall within the POPIA's scope. Information is considered to be de-identified if the information that links it to a specific data subject has been deleted, or the link between a data subject and his/her personal information has been broken to such an extent that the information can't be linked back to the relevant data subject again.

Clearly this is a minefield of potentially disastrous consequences and one that must thus be carefully navigated. Lightstone, a provider of comprehensive data, analytics and systems on property, automotive and business assets, is creating and sharing information that may be useful to automotive professionals in preparation for the new ways of working and will – over the coming months – be sharing monthly insights and information on POPIA and what it means for businesses.

Part 1 of this series focuses on the client contact book, also known as master customer and client contact lists – what they are, what information they contain and how the POPI Act will change the way in which that information is obtained and used. To learn more, visit:

<https://lightstoneauto.co.za/popia.aspx>. ■

