



PROTECTING YOUR PRIVATE INFO

South Africa has a new law on privacy and protecting your personal information. What does the law say about companies and government agencies abusing your personal information?

1

The Constitution says you have a right to privacy, and now there's a new law called the **Protection of Personal Information Act** (the POPI law) which says your personal information must be protected.

According to the new law, your personal info can't be bought or sold. It can only be used by someone who has a justifiable reason – for example, if you've given permission or if there's a law that allows it.



What is personal information?

Any information that identifies you, including your age, race, gender, education, your medical or financial information, or your criminal or employment history. It also includes your contact details, such as email or phone number.



What if my info has been stolen or misused?

Contact the Information Regulator at 012 406 4818 or inforeg@justice.gov.za

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What does the law say?

The POPI law says that companies, government agencies, and people who use your personal information must ensure the following:

- **Openness & Accountability:** They must be transparent and accountable about how they use your personal info and why.
- **Clear purpose:** They must have a proper reason for collecting your personal info, and can only use it for that purpose.
- **Your participation:** You must know why your personal info is being used, and they must communicate with you about it. Unless they're authorised by law to have the info, you have the right to demand they delete it!
- **Security safeguards:** If they're using your personal info, they must take steps to keep it safe and secure. They have a duty to notify you in the event of a data breach if your identity is known to them.

If someone misuses your personal information, or anyone else's, you have a right to complain to the new government privacy watchdog called the Information Regulator.

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BUT there are a few exceptions: the POPI law says these rules may not apply when personal information is used for: (1) national security and policing, (2) everyday personal or household use; (3) legitimate public-interest journalism.

Is your permission always needed?

No. The POPI law says there are some cases your information can be used without your permission, if there's a proper legal reason. For example, if you're under investigation for a serious crime, or if it's needed for a service that you've agreed to.



What if I am a victim of fraud?

If you've been the victim of fraud, also get advice from the SA Fraud Prevention Service (SAFPS):
Call 0860 101 248
or visit www.safps.org.za

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Fine print: Yes, the POPI law says the rules don't apply when your personal information is being used by the government for legitimate policing or national security purposes, BUT it also says this is only true if that use is covered by another law which protects your privacy properly. In the case of government spying, R2K says the RICA law does NOT protect against privacy abuses!

How long can a person keep your personal info?

A person may only keep your personal information for as long as is needed to give the service for which they collected it, or if there's a law that requires them to keep it.

But they must delete or destroy personal information when they no longer have a lawful reason for keeping it, or if you ask them to destroy it*.

* This doesn't apply if there's another law that requires them to keep it even if you don't want them to have it

Everywhere you go, your information is being collected!



When you get a Smart ID card, Home Affairs collects your fingerprint and facial scan. When you buy a SIM card, the vendor collects your ID document and proof of address. When you walk down a city street or in a shopping mall, security cameras record your face. When you enter some buildings, a security guard will ask you to leave your name, contact information and even ID number in a book at the reception desk – some of the fancy buildings even take your fingerprint!

Who is collecting this information and what do they use it for? How long do they store it for? Which people have access to it?

Always be ready to ask these questions!

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But your privacy is not being protected!

Even though the POPI law protects your right to privacy *on paper*, at the start of 2019, it still isn't in force!

Why? It is because the Information Regulator – the government watchdog set up to make sure the privacy law is being followed – is not operational.

The Information Regulator has not hired staff to fulfill its watchdog mandate. This means there's nobody to issue fines or other penalties when someone fails to protect your personal information. The bureaucratic delays mean that our privacy is not being protected.

The Information Regulator and the Department of Justice have promised to a date when the POPI law comes into force soon.

DEMAND ACTION!

Join the call to demand that your privacy is protected: r2k.org.za/protectmyprivacy

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Join the call to demand that your privacy is protected.

Sign the petition here:



Protect our private info!
Implement SA's privacy law now!

r2k.org.za/protectmyprivacy

Contact us

✉ admin@r2k.org.za
🌐 r2k.org.za

📞 021 447 1000
📱 @r2kcampaign

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