

NEW RIGHTS

IN TERMS OF POPIA

23 JUNE
2022

Project: **UCT POPIA COMPLIANCE PROJECT**
Client: **UCT**
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A QUICK RECAP

(LIKE A POPIA SPEEDDATE!)

RULES OF THUMB

- Less is more
- No surprises
- Don't share without protection
- Check yourself before you wreck yourself
- Use it or lose it
- Destroy it, don't spread it
- Above all, keep it safe!



POPIA IS ABOUT BALANCE

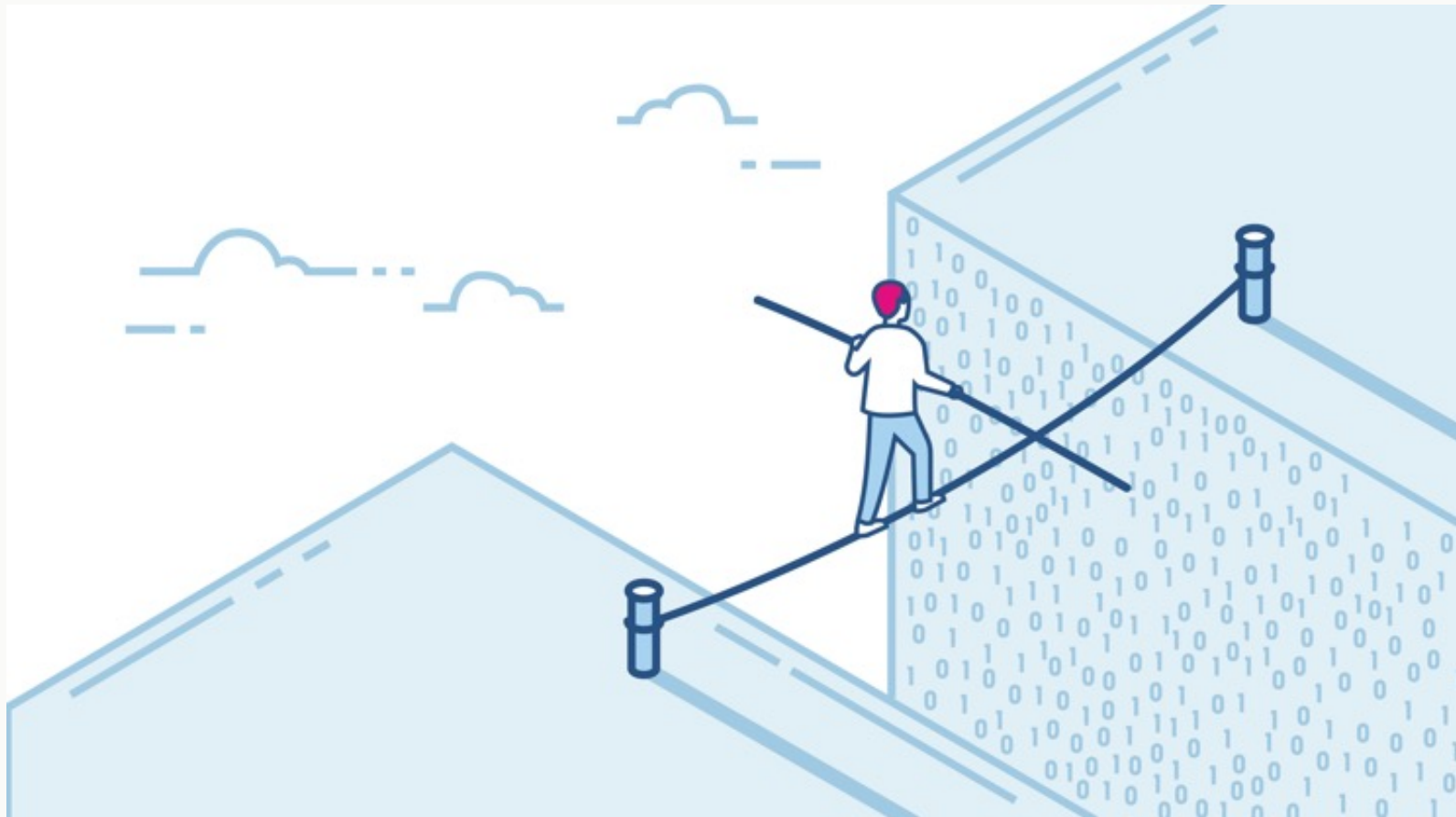
PRIVACY

Protect the constitutional right to privacy including the unlawful collection, retention, dissemination and use of personal information (the preamble)

BUSINESS

But, the Regulator must take into account the interests of public and private bodies in achieving their objectives (yes, even the commercial ones) in an efficient way (section 44(1)(b))

POPIA IS ABOUT BALANCE



BUST A MYTH!



- **You don't need consent:** Organisations don't have to ask your consent for basic processing. Lawyers created this myth.
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**SO, WHAT ARE
MY RIGHTS THEN?**

(AND HOW CAN YOU USE THEM?)

THESE ARE YOUR RIGHTS

- **What information do you have about me?** And who has had access to it?
- **Delete my information!** But only if there are no legal or operational reasons to keep it (records need to be managed).
- **Please correct my information!** Let me tell you a story.
- **I want to object to how you are processing my information!** This can happen if there is no contract or law requiring the processing.
- **Bad robot!** You have a right to make representations if algorithms are making decisions about you.
- **Last (and definitely least), I want to withdraw consent:** If you are unable to withdraw consent, then consent was the wrong legal basis.
- **And if all else fails:** Complain to the Information Regulator!

AN IMPORTANT EMAIL ADDRESS



popia@uct.ac.za

**YOU ARE ALSO
EMPLOYEES**

(LET'S SWITCH OUR PERSPECTIVE...)

A GATEWAY TO TROUBLE

“C-3PO once famously said to Han Solo ‘Sir, the possibility of successfully navigating a data subject request is approximately 3720 to 1.’ To which Han said, ‘Never tell me the odds.’”

- Episode V- The Information Regulator strikes back

MOVIES HAVE BEEN MADE



THEY LEAD TO COMPLAINTS

The Information Regulator has been accused of under pressure as unauthorised disclosure of personal information taking too long to respond to queries about

One ITWeb reader raised these concerns after a local university illegally sent out his e-mail address. ITWeb has seen 1 100 e-mail addresses the university sent without the data subjects' consent.

A second reader alleges he has been waiting to hear back from the regulator for over two months about Promotion of Access to Information Act manual templates.

Dr Peter Tobin, director of Peter Tobin Consultancy and an information governance specialist, says he launched his complaint in November and the issue has not been resolved to date.

Another reader, John Cato, who is founder and CEO of IACT-Africa, shares similar sentiments, saying his complaint was raised in March, to no avail.

web.co.za/contributors/JAPero3qZBqQb6mG

THINGS WE NEED TO THINK ABOUT

- **What if this became public?** You need to be proud of how you handle personal information. It is a matter of ethics.
- **Know what you are doing.** Do you know what information you keep where, what you use it for and who you shared it with.
- **Keep it up to date!** Quality issues leads to breaches, but also massive inefficiency.
- **Refer requests immediately...**

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THANK YOU!

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