

Protection of Personal Information Act, 2013

CelaPOPI Advanced Toolkit Instruction Guide

A Celagenix[®] Business Advisory Resource
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For enquiries in respect of this Toolkit, please e-mail: popi@celagenix.com

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Introduction

This CelaPOPI Toolkit contains the general information and basic templates that you will need to ensure compliance with the Protection of Personal Information Act, 2013 (“POPIA”). We recommend that you read Document [1] Introduction to POPIA as well as the entire POPIA Act first in order to acquaint yourself with the detailed requirements thereof. You may access a copy of the Act at: <http://www.justice.gov.za/infoereg/docs/InfoRegSA-POPIA A-act2013-004.pdf>

Ensure that you understand the purpose of each document, as well as the contents thereof. Most documents require only a few details to be inserted where indicated by a fillable text and/or image field e.g. your Company Name and Company Logo. **Ensure that you populate all the relevant areas with the required details by working through each document meticulously.** Note that the documents have been restricted to avoid unwarranted editing that may alter its alignment with the compliance requirements of POPIA. Once populated, you can save and/or print the applicable document/s for further use on, for example, your website, or retain it on file as part of your proof of compliance, essentially creating a POPIA Compliance Manual for your business. **To remove the fillable fields once populated, you will need to print the applicable document by going to File – Print – Adobe PDF or File – Print – Microsoft Print to PDF.**

Should you have any questions or queries specifically related to the Toolkit, kindly send it to popi@celagenix.com for assistance by one of our dedicated POPIA staff.

Note that additional or supplementary assistance from our legal advisors pertaining to POPIA compliance status assessments, advice and/or implementation of POPIA, can be provided at our standard rate of R 1,500 (excl. VAT) per hour, less an exclusive CelaPOPI client discount of 10%. Our brand advisors can also assist you with further adaptation and customisation of the CelaPOPI Toolkit, aligned with your brand identity, should the need arise.

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Contents

Internal Documents

- ✘ [Document 1] Introduction to POPIA
- ✘ [Document 2] POPIA Compliance Guide
- ✘ [Document 3] Duties of POPIA Information Officer
- ✘ [Document 4] POPIA Information Officer Declaration
- ✘ [Document 5] POPIA Direct Marketing Disclosures and Consent
- ✘ [Document 6] General Data Security Checklist
- ✘ [Document 7] POPIA Data Protection Checklist
- ✘ [Document 8] Internal POPIA Policy
- ✘ [Document 9] PAIA Questionnaire

External Documents

- ✘ [Document 10] POPIA Policy and Data Privacy Consent Notice
- ✘ [Document 11] POPIA Data Privacy Consent Disclosure
- ✘ [Document 12] POPIA Notice and Consent Form
- ✘ [Document 13] POPIA Security Access
- ✘ [Document 14] POPIA Notice to Visitors
- ✘ [Document 15] POPIA Personal Information Request Form
- ✘ [Document 16] POPIA Direct Marketing Authorisation
- ✘ [Document 17] POPIA Complaint Form
- ✘ [Document 18] Employee Consent and Confidentiality Clause
- ✘ [Document 19] SLA Confidentiality Clause
- ✘ [Document 20] Operator Agreement



[Document 1] Introduction to POPIA

An overview of POPIA that should be read first, together with the POPI Act. Your knowledge and understanding of POPIA, particularly the terminology and application of its multifaceted provisions, will improve as you begin to work through each of the documents in detail. Stay the course, and make sure that you understand the fundamentals.

[Document 2] POPIA Compliance Guide

The purpose of this guide is to assist you to become compliant and align with the intent and purpose of POPIA. It must be read with due care. You may also use the content thereof as training material to your Information Officer, as well as your staff.

[Document 3] Duties of POPIA Information Officer

The Information Officer is the Head of your Company, the Chief Executive Officer or equivalent Officer of your Company, or the person who is acting as such. It can also be a senior manager or other key individual. The to-be-appointed Information Officer must read the duties attached hereto with due care and diligence.

[Document 4] POPIA Information Officer Declaration

The to-be-appointed Information Officer must confirm to us at popi@celagenix.com that he/she understand his/her duties [Document 3] by completing the POPIA Information Officer Declaration. Once we have received the completed form, the appointed Information Officer will be registered as such with the Information Regulator. Celagenix® will also issue an official certificate of appointment to the newly appointed Information Officer.



[Document 5] POPIA Direct Marketing Disclosures and Consent

Direct Marketing is one of the areas affected by POPIA in its entirety, both to the marketer, as well as the consumer. POPIA differentiates between Direct Marketing by means of unsolicited electronic communications, and Direct Marketing in person or by mail or telephone. Several provisions in POPIA draw this distinction. Ensure that you understand them well. The POPIA Direct Marketing Authorisation form [Document 16] makes provision for the requisite consent from your customers or clients.

[Document 6] General Data Security Checklist

POPIA focuses predominantly on how Personal Information is processed and secured, functions that fall within the ambit of Data Security and Internal Controls. You may use this checklist to identify and mitigate or address potential IT-related risks in your Company that may pose a threat to the Personal Information of your customers / clients. It is advised that you also retain a copy of the completed checklist as part of your Internal Controls and proof of compliance with POPIA, specifically Principle 7 that deals with Security Safeguards. While not exhaustive, this checklist, together with the POPIA Data Protection Checklist [Document 7] included in your tailored CelaPOPI Toolkit, will give you a clear indication of areas that require urgent intervention.

[Document 7] POPIA Data Protection Checklist

This checklist, based on the eight foundational conditions of POPIA, will enable you to identify and address information security requirements specific to the Act. Bear in mind that non-compliance with the Act will likely stem from insufficiencies that relate to the processing and storage of Personal Information, as well as the policies and procedures that govern your Company's compliance with POPIA. Thus, it is of utmost importance to ensure that you and your staff not only understand the Act, but also align your business practices and systems accordingly.



[Document 8] Internal POPIA Policy

This document will serve as your Company's official POPIA policies and procedures manual. It contains a detailed overview of the most important aspects of the Act. We strongly advise that all staff and internal parties related to your Company read through it in detail, and confirm their understanding of -and commitment to its provisions by signing the Declaration and Consent on the last page. The consent pages can be retained on file as part of your Company's proof of compliance.

[Document 9] PAIA Questionnaire

The Promotion of Access to Information Act, No. 2 of 2000 (PAIA) was enacted to give effect to the constitutional right of access to information. PAIA came into operation on 9 March 2001. In terms of the Constitution and PAIA, all people in South Africa, including non-nationals, can request information from public and private bodies. To ensure that your Company complies with the requirements of PAIA, particularly Section 14, 32 and 51 (depending on the type of business) that deal with the requirement of having a PAIA Information Manual, kindly complete the questionnaire and send it to popi@celagenix.com. Celagenix® will compile a PAIA Information Manual for your Company accordingly and submit it to the Information Regulator on your behalf, as required by law. We will provide you with a copy, for your records. You may also load the Manual onto your website upon receipt thereof as part of your Data Security / Privacy Policy documentation (generally accessed via a link on your Company's website).

[Document 10] POPIA Policy and Data Privacy Consent Notice

The purpose of this document is to provide information to any person (natural or juristic), whose Personal Information your Company, as the Responsible Party, processes (requests, keeps and uses), and what his/her/its rights are. It may be loaded onto your website as part of your Data Security / Privacy Policy documentation. A hard copy may also be made available to such person/s, upon request.



[Document 11] POPIA Data Privacy Consent Disclosure

A standard reference to your Company's POPIA Policy and Data Privacy Consent Notice [Document 10] must be included in all your business documents, and similar documents that your Company uses, or intends to use, where applicable. Reference to the same should also be included in all marketing material, e-mails and other forms of correspondence that may involve the collection and/or processing of Personal Information. The POPIA Data Privacy Consent Disclosure document can be used for this purpose.

[Document 12] POPIA Notice and Consent Form

In terms of POPIA, Personal Information may only be collected and/or processed by your Company upon receipt of consent from your Data Subjects i.e. your customers or clients. This form can be used by your Company to obtain said consent from your customers or clients in a manner that complies with the fundamental provisions of POPIA, including the purpose for processing their Personal Information and consent to disclose and share their Personal Information with, for example, Third Parties, if applicable. You may add or incorporate it into your Company's existing compliance documentation if you are already using other consent forms or templates.

[Document 13] POPIA Security Access

You may use this template, or design your own, to inform visitors to your business premises about the collection and processing of their Personal Information before access can be granted. It can be displayed at the entrance to your office, at your reception or at the security gate of your office block or office building. It can also be added as a clause to your visitor registry.

[Document 14] POPIA Notice to Visitors

You may use this template, or design your own, to inform visitors to your premises about their rights in respect of the POPIA requirements. Display it at your reception area, as well as in each area that may be a point of first entry by visitors.



[Document 15] Personal Information Request Form

In terms of POPIA, Data Subjects (i.e. customers or clients) have the right to establish whether an organisation holds Personal Information related to him/her/it, including the right to request access to, correction of -or deletion of said information. This form can be used to comply with such requests from your customers or clients. It is also referenced in your Company's Internal POPIA Policy [Document 8].

[Document 16] POPIA Direct Marketing Authorisation

The POPIA Direct Marketing Authorisation form can be used to obtain consent from customers or clients for Direct Marketing purposes by your Company. Infringement of the Direct Marketing provisions of POPIA will have severe penalties as consequence. Thus, it is imperative that you firstly understand the requirements, and secondly incorporate it into your business practices and procedures. This Form is referenced in Document 1, 2 and 5.

[Document 17] POPIA Complaint Form

Data Subjects have the right to complain in instances where any of their rights under POPIA have been infringed upon. This form can be used to comply with such complaints from your customers or clients. It is also referenced in your Company's Internal POPIA Policy [Document 8].

[Document 18] Employee Consent and Confidentiality Clause

As in the case with your customers or clients, your Company will also collect, process and store Personal Information of its employees. This form can be used to not only comply with the provisions of POPIA, but also reassure employees of the confidentiality of their information. It should be read and signed by all your employees and added as an addendum to their respective employment contracts. This form is also referenced in your Company's Internal POPIA Policy [Document 8].



[Document 19] SLA Confidentiality Clause

Where your Company has entered into a service level agreement with an external party, an Operator or Third Party, both parties will need to pledge their mutual commitment to POPIA and the lawful processing of any Personal Information pursuant to such agreement. The signed form can be added as an addendum to your existing service level agreement/s. It is also referenced in your Company's Internal POPIA Policy [Document 8] as well the Operator Agreement template [Document 20].

[Document 20] Operator Agreement

Should an external party e.g. an Operator or Third Party, process information on your behalf, you must ensure that your customers or clients know that their Personal Information is processed by such external party. Your Company must also have an agreement with such external party to ensure safeguarding of said information. Both parties will need to sign the agreement and retain copies thereof as proof of compliance, and for requests from Data Subjects.

CONCLUSION

Celagenix® can, upon request, host in-depth training on everything that you need to comply, and remain compliant, with POPIA. Our **CelaPOPI Advanced Solution**, a Celagenix® Corporate Academy initiative, covers POPIA and the implementation thereof extensively through direct involvement and assistance by our legal compliance advisors, as well as the use of our flagship CelaAudit® Online Platform for expert navigation through the multifaceted requirements of the POPI Act. Read more: <https://celagenix.com/popia-solutions/>
