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# TECHNOLOGY, MEDIA & TELECOMMUNICATIONS ALERT

## POPIA Update: POPIA regulations are coming into effect and the guideline on the codes of conduct is published

On 26 February 2021, the Guideline to Develop Codes of Conduct (Guideline) was gazetted and notice was given that Regulations issued in terms of the Protection of Personal Information Act 4 of 2013 (POPIA) are coming into effect. In relation to the Regulations, the Government Gazette (No 44191) notified that Regulation 5 (relating to the application for issuing of Codes of Conduct) is effective as of 1 March 2021. Regulation 4 (relating to certain responsibilities of Information Officers) will be effective on 1 May 2021 and the rest of the Regulations will come into effect on 1 July 2021.

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### Responsibilities of Information Officers

With Regulation 4 being effective as from 1 May 2021, information officers will be required to comply with the following:

- develop, implement, monitor and maintain a compliance framework;
- undertake a personal information impact assessment to ensure that adequate measures and standards exist;
- develop, monitor and maintain an access to information manual required in terms of the Promotion of Access to Information Act 2 of 2000 (PAIA) (commonly known as a PAIA manual);
- develop internal measures and systems to process requests for information or access; and
- conduct internal awareness sessions.

This would mean that the Information Regulator is likely to communicate the mechanism or process to allow for the registration of information officers in the coming weeks, in order that information officers may assume their duties.

### Issuing a code of conduct under the Guideline

Chapter 7 of POPIA provides for the development of codes of conduct which may apply to certain types of personal information, specific industries, professions, bodies or to specific types of activities.

The Guideline which has been published, is for the development of codes of conduct by the relevant industry bodies in terms of section 65 of POPIA. The Guideline provides guidance to industry bodies on the making of an application for a code of conduct to be approved by the Information Regulator. The Regulations prescribe the form for such application to the Information Regulator which may be submitted as from 1 March 2021.

With the remainder of the Regulations to commence on 1 July 2021, it is now more important than ever for businesses to ensure that their processing of personal information complies with the provisions of POPIA.

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*Preeta Bhagattjee, Aphindile Govuza  
and Reece Westcott*

## OUR TEAM

For more information about our Technology, Media & Telecommunications practice and services, please contact:



**Christoff Pienaar**  
National Practice Head  
Director  
T +27 (0)21 481 6350  
E christoff.pienaar@cdhlegal.com



**Preeti Bhagattjee**  
Director  
T +27 (0)11 562 1038  
E preeta.bhagattjee@cdhlegal.com



**Aphindile Govuza**  
Senior Associate  
T +27 (0)11 562 1090  
E aphindile.govuza@cdhlegal.com



**Lee Shacksnovis**  
Associate  
T +27 (0)21 481 6453  
E lee.shacksnovis@cdhlegal.com

### **BBBEE STATUS:** LEVEL TWO CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

### **PLEASE NOTE**

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### **JOHANNESBURG**

1 Protea Place, Sandton, Johannesburg, 2196. Private Bag X40, Benmore, 2010, South Africa. Dx 154 Randburg and Dx 42 Johannesburg.  
T +27 (0)11 562 1000 F +27 (0)11 562 1111 E jhb@cdhlegal.com

### **CAPE TOWN**

11 Buitengracht Street, Cape Town, 8001. PO Box 695, Cape Town, 8000, South Africa. Dx 5 Cape Town.  
T +27 (0)21 481 6300 F +27 (0)21 481 6388 E ctn@cdhlegal.com

### **STELLENBOSCH**

14 Louw Street, Stellenbosch Central, Stellenbosch, 7600.  
T +27 (0)21 481 6400 E cdhstellenbosch@cdhlegal.com

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