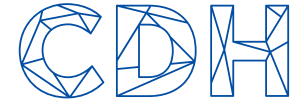


Technology & Communications

ALERT | 21 May 2025



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SOUTH AFRICA

Important POPIA amendments to note



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Important POPIA amendments to note

Significant amendments have been made to the Regulations issued under the Protection of Personal Information Act 4 of 2013 (POPIA). These changes appear to be aimed at providing data subjects with more options to enforce their rights.

The amendments, effective from 17 April 2025, follow the Information Regulator's (Regulator) introduction of an e-Portal to report security compromises online. As of 1 April 2025, the portal is deemed a mandatory reporting tool for both private and public organisations.

The amended regulations introduce definitions for "*complaint*" and "*complainant*", aligning the term "*complainant*" with the language used in section 74(1) of POPIA.

Other significant changes include:

OLD REGULATIONS	NEW REGULATIONS
Regulation 2: Objection to the processing of personal information	
Data subjects could only object to the processing of their personal information by submitting an objection using Form 1. A responsible party had the responsibility to render reasonable assistance to enable the data subject to make an objection on Form 1.	A data subject can make an objection at any time during the office hours of the responsible party. Responsible parties must ensure that objections are made free of charge, in an expedient manner, and through any accessible channel (including telephonically).
Regulation 3: Request for correction or deletion of personal information or destruction or deletion of the record of personal information	
Data subjects could request that their personal information or a record of their personal information be corrected, deleted or destroyed by submitting such a request using Form 2 to the responsible party.	<p>A data subject can now bring a request for the correction and deletion of their personal information at any time if their personal information is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully.</p> <p>They can also request the deletion or destruction of a record of their personal information if the responsible party is no longer authorised to retain such data.</p> <p>A data subject can bring such a request with a form substantially similar to Form 2.</p> <p>Responsible parties now have 30 days after receipt of the outcome of the request to inform the data subject in writing of any action taken as a result of the request.</p>

Important POPIA amendments to note

CONTINUED

OLD REGULATIONS	NEW REGULATIONS
Regulation 4: Additional duties and responsibilities of the information officer	
Information officers had the responsibility to develop and implement a compliance framework, conduct a personal information impact assessment, develop and implement a manual in terms of the Promotion of Access to Information Act 2 of 2000 (PAIA), and develop internal measures and internal awareness sessions to ensure lawful data processing.	<p>The current regulations have been amended to delete the requirement that the information officer must develop, monitor, maintain and implement PAIA manual and make a copy of the manual available upon request for a fee.</p> <p>Information officers are now tasked with ensuring that the compliance framework implemented is continually improved.</p>
Regulation 6: Request for a data subject's consent to process personal information	
Previously, a responsible party could obtain consent from a data subject by using Form 4 to process personal information for direct marketing purposes.	<p>The amendment has completely overhauled the previous regulation. The regulation now permits a responsible party to obtain written consent from the data subject through a form substantially similar to Form 4, or in any expedient manner.</p> <p>The requisite consent can also be obtained telephonically or by an automated calling machine.</p> <p>Most notably, this regulation states that opt-out procedures will not be considered as consent to direct marketing by the data subject, as mandated by POPIA and the regulations.</p>

Important POPIA amendments to note

CONTINUED

OLD REGULATIONS	NEW REGULATIONS
Regulation 7: Submission of a complaint	
Previously this regulation only made provision for the form on which a data subject or responsible party could submit a complaint.	<p>This amendment has also overhauled the previous wording of Regulation 7.</p> <p>To expand on the meaning of complainant, this regulation now sets out details of the persons who can lodge a complaint with the Regulator. These persons include anyone acting on behalf of a data subject, a responsible party or a data subject aggrieved by a determination made by an adjudicator and any person with sufficient personal interest in the subject matter or acting in public interest.</p> <p>Provision has also been made for details which need to be included in a complaint, the Regulator's responsibilities on receipt of a complaint, and the right of the data subject to have their identity protected under the Protected Disclosures Act 26 of 2000.</p>
Administrative fines	
	<p>Previously, there was no provision for administrative fines incurred by a responsible party.</p> <p>Responsible parties can now make an arrangement with the Regulator to settle the fines in instalments.</p> <p>The Regulator will consider various factors to determine the period, including the financial circumstances of the responsible party.</p>

Important POPIA amendments to note

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The following are key takeaways for organisations:

- Mechanisms must be implemented to ensure that telephone conversations are easily recorded and accessible, particularly when a data subject requests the destruction and deletion of their personal information or objects to it being processed.
- Since opting out is not considered valid consent, as required by section 69(2) of POPIA, organisations must revise their internal procedures for obtaining consent from data subjects for direct marketing purposes through electronic communications.
- PAIA manuals need to be updated to make provision for the new prescribed forms.

Simone Dickson, Sadia Rizvi and Pebetsi Letsoalo



Chambers Global 2025 Results

Technology & Communications

Chambers Global 2024–2025 ranked our Technology & Communications sector in:
Band 2: IT & Telecoms.

Chambers Global 2025 ranked our Technology & Communications practice (Kenya) in
Band 3: Intellectual Property.

Simone Dickson ranked by Chambers Global 2025 in
Band 3: IT & Telecoms.

Shem Otanga ranked by Chambers Global 2024–2025 in
Band 2: Intellectual Property.

OUR TEAM

For more information about our Technology & Communications sector and services in South Africa, Kenya and Namibia, please contact:



Tayyibah Suliman

Sector Head:
Technology & Communications
Director: Corporate & Commercial
T +27 (0)11 562 1667
E tayyibah.suliman@cdhlegal.com



Shem Otanga

Partner | Kenya
T +254 731 086 649
+254 204 409 918
+254 710 560 114
E shem.otanga@cdhlegal.com



Njeri Wagacha

Partner | Kenya
T +254 731 086 649
+254 204 409 918
+254 710 560 114
E njeri.wagacha@cdhlegal.com



Jerome Brink

Director:
Tax & Exchange Control
T +27 (0)11 562 1484
E jerome.brink@cdhlegal.com



Simone Dickson

Consultant
T +27 (0)11 562 1752
E simone.dickson@cdhlegal.com



Emma Kingdom

Consultant
Corporate & Commercial
T +27 (0)21 481 6330
E emma.kingdom@cdhlegal.com



Izabella Gutlar-Balkovic

Associate:
Corporate & Commercial
T +27 (0)11 562 1199
E izabella.balkovic@cdhlegal.com



Sadia Rizvi

Associate:
Corporate & Commercial
T +27 (0)11 562 1727
E sadia.rizvi@cdhlegal.com

BBBEE STATUS: LEVEL ONE 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.

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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

NAIROBI

Merchant Square, 3rd floor, Block D, Riverside Drive, Nairobi, Kenya. P.O. Box 22602-00505, Nairobi, Kenya.
T +254 731 086 649 | +254 204 409 918 | +254 710 560 114
E cdhkenya@cdhlegal.com

NAMIBIA

1st Floor Maerua Office Tower, Cnr Robert Mugabe Avenue and Jan Jonker Street, Windhoek 10005, Namibia
PO Box 97115, Maerua Mall, Windhoek, Namibia, 10020
T +264 833 730 100 E cdhnamibia@cdhlegal.com

STELLENBOSCH

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

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