

**POPIA MANUAL**  
**PREPARED BY WALKER & ASSOCIATES**

**IN COMPLIANCE WITH THE PROVISIONS OF THE  
PROTECTION OF PERSONAL INFORMATION ACT, 2013  
(AS AMENDED)**

Date of compilation: 1 September 2024



## 1. Definitions used in this Manual

- 1.1. **Conditions for Lawful Processing** means the conditions for the lawful processing of Personal Information as fully set out in chapter 3 of POPIA;
- 1.2. **Constitution** means the Constitution of the Republic of South Africa, 1996;
- 1.3. **Customer/Client** refers to any natural or juristic person that received or receives services from W&A (section 1 of POPIA);
- 1.4. **Data Subject** means the person to whom personal information relates (section 1 of POPIA);
- 1.5. **Manual** means this manual prepared in terms of POPIA;
- 1.6. **PAIA** means the Promotion of Access to Information Act, 2000;
- 1.7. **Personal Information** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:-
- 1.7.1. information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
  - 1.7.2. information relating to the education or the medical, financial, criminal or employment history of the person;
  - 1.7.3. any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the

person;

- 1.7.4. the biometric information of the person;
- 1.7.5. the personal opinions, views or preferences of the person;
- 1.7.6. correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- 1.7.7. the views or opinions of another individual about the person; and
- 1.7.8. the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person,

(section 1 of POPIA);

- 1.8. **POPIA** means the Protection of Personal Information Act, 2013;
- 1.9. **POPIA Regulations** means the regulations promulgated in terms of section 112(2) of POPIA;
- 1.10. **Private Body** means:-
  - 1.10.1. a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
  - 1.10.2. a partnership which carries on or has carried on any trade, business or profession; or
  - 1.10.3. any former or existing juristic person excluding a public body,

(section 1 of POPIA);

**1.11. Processing**

means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:-

- 1.11.1. the collection, receipt, recording, organization, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- 1.11.2. dissemination by means of transmission, distribution or making available in any other form; or
- 1.11.3. merging, linking, as well as restriction, degradation, erasure or destruction of information,

(section 1 of POPIA);

**1.12. Record**

means any recorded information:-

- 1.12.1. regardless of form or medium, including any of the following:-
  - (a) writing of any material;
  - (b) information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;
  - (c) label, marking or other writing that identifies or

describes any thing of which it forms part, or to which it is attached by any means;

(d) book, map, plan, graph or drawing;

(e) photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;

1.12.2. in the possession or under the control of a responsible party;

1.12.3. whether or not it was created by a responsible party; and

1.12.4. regardless of when it came into existence,

(section 1 of POPIA);

1.13. **Responsible Party**

means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information (section 1 of POPIA);

1.14. **W&A**

means Walker and Associates, a firm of attorneys, the sole proprietor of which is Dean Walker (LP No. 78359).

## 2. Introduction

POPIA became effective in South Africa on 1 July 2020. The purpose of POPIA is to give effect to section 14 of the Constitution, namely “the right to privacy”, by protecting Personal Information and regulating the free flow and processing of Personal Information. W&A is committed to promoting the Constitutional rights of all to both access to information on the one hand (as provided for in terms of PAIA) and the protection of Personal Information on the other (as provided for in terms of POPIA).

The PAIA gives effect to the provisions of section 32 of the Constitution which provides for the “right of access to information” held by the State and by another person that is required for the exercise and/or protection of any right.

This Manual is intended to foster a culture of transparency and accountability within W&A, its employees and its clients and certain third parties; to promote a culture of effective access to information and to enable all stakeholders to fully exercise and protect all their rights.

Both PAIA and POPIA recognize that the rights of access to information and privacy respectively are subject to the limitations clause in terms of section 36 of the Constitution where such limitation is reasonable and justifiable in terms of law of general application in an open and democratic society based on human dignity, equality and freedom.

The purpose of this Manual is to set out, inter alia, the procedures to be followed and criteria that must be met for anyone to access the Personal Information held by W&A in respect of its employees, clients and certain third parties.

## 3. Protection of Personal Information that is processed by W&A

### 3.1. Conditions of Lawful Processing

Chapter 3 of POPIA provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA. Below is a description of the eight Conditions for Lawful Processing as contained in POPIA:-

- 3.1.1. **Accountability** – the Responsible Party has an obligation to ensure that there is compliance with POPIA in respect of the Processing of Personal Information.
- 3.1.2. **Processing limitation** – Personal Information must be collected directly from Data Subject to the extent applicable; must only be processed with the consent of the Data Subject and must only be used for the purpose for which it was obtained.

- 3.1.3. **Purpose specification** – Personal Information must only be processed for the specific purpose for which it was obtained and must not be retained for any longer than is needed to achieve such purpose.
- 3.1.4. **Further processing limitation** – further processing of Personal Information must be compatible with the initial purpose for which the information was collected.
- 3.1.5. **Information quality** – the Responsible Party must ensure that Personal Information held is accurate and updated regularly and that the integrity of the information is maintained by appropriate security measures.
- 3.1.6. **Openness** – there must be transparency between the Data Subject and the Responsible Party.
- 3.1.7. **Security safeguards** – a Responsible Party must be take reasonable steps to ensure that adequate safeguards are in place to ensure that Personal Information is being processed responsibly and is not unlawfully accessed.
- 3.1.8. **Data Subject participation** – the Data Subject must be made aware that their information is being processed and must have provided their informed consent to such processing.

### 3.2. **Purpose of the Processing of Personal Information by W&A**

Personal Information may only be processed for a specific purpose. The purpose for which W&A will process Personal Information, is set out below:-

#### 3.2.1. for employees:-

- 3.2.1.1. verification of applicant employees' information during recruitment process;
- 3.2.1.2. general matters relating to employees including:-
  - (a) pension funds;
  - (b) medical aid;
  - (c) payroll;
  - (d) disciplinary action; and
  - (e) training;



3.2.1.3. any other reasonably required purpose relating to the employment or possible employment;

3.2.1.4. complying with W&A's regulatory obligations.

3.2.2. for service providers and third parties:-

3.2.2.1. verifying information and performing checks including financial, tax status and past experience;

3.2.2.2. purposes relating to the agreement or business relationship or possible agreement or business relationship between the parties;

3.2.2.3. payment of invoices;

3.2.2.4. complying with W&A's regulatory obligations; and

3.2.2.5. any other reasonably required purpose relating to W&A's operations.

3.3. **Categories of Data Subjects and Personal Information relating thereto**

As set out in section 1 of POPIA, Data Subject may either be a natural or a juristic person. The various categories of Data Subjects that W&A processes Personal Information on and the types of Personal Information relating thereto may include:-

3.3.1. Employees:-

(a) name and contact details;

(b) identity number and identity documents including passports;

(c) employment history and references;

(d) banking and financial details;

(e) details of payments to third parties (deductions from salary);

(f) employment contracts;

(g) employment equity plans;

(h) medical aid records;

- (i) pension fund records;
- (j) remuneration or salary records;
- (k) performance appraisals;
- (l) disciplinary records;
- (m) leave records;
- (n) training records;
- (o) other information not specified, reasonably required to be processed for business operations;
- (p) other information required to comply with W&A's regulatory obligations.

3.3.2. Service providers and third parties:-

- (a) name and contact details, identity and/or company information and directors' information;
- (b) banking and financial information;
- (c) references;
- (d) tax status;
- (e) other information required to comply with W&A's regulatory obligations.

**3.4. Recipients of Personal Information**

The recipients to whom W&A may provide a Data Subject's Personal Information may include:-

- 3.4.1. any person that W&A uses to collect payments and recover debts or to provide a service on its behalf;
- 3.4.2. any payment system W&A uses;
- 3.4.3. all regulatory and governmental authorities, including tax authorities and the Financial Intelligence Centre in circumstances where W&A has a duty to share information;
- 3.4.4. third parties to whom payments are made on behalf of employees;

3.4.5. financial institutions from whom payments are received on behalf of Data Subjects;

3.4.6. employees, contractors and temporary staff.

#### **4. Cross-border flows of Personal Information**

Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa:-

- 4.1. if the recipient country can offer such data an "adequate level" of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPIA; or
- 4.2. if Data Subject consents to the transfer of their Personal Information; or
- 4.3. if the transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- 4.4. if the transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
- 4.5. if the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would likely provide such consent.

Personal information may be stored in data servers hosted outside South Africa, which may not have adequate data protection laws. W&A will endeavour to ensure that its service providers and third parties will make all reasonable efforts to secure said data and Personal Information via contractual clauses or notices in agreements and otherwise.

#### **5. Description of information security measures to be implemented by W&A**

The types of security measures implemented by W&A in order to ensure that Personal Information is respected and protected are, inter alia, the following:-

##### **5.1. Access Control of Persons**

W&A shall implement suitable measures in order to prevent unauthorized persons from gaining access to data processing equipment where data is processed.

##### **5.2. User Control**

W&A shall implement suitable measures to prevent its data processing systems from being used by unauthorized persons by means of data transmission equipment.

5.3. **Access Control to Data**

W&A shall implement suitable measures to ensure that the persons entitled to use its data processing system are only able to access the data to the extent reasonably necessary.

5.4. **Organisation Control**

W&A shall maintain its internal organization in a manner that meets the requirements of this Manual.

6. **Objection to the Processing of Personal Information by a Data Subject**

Section 11(3) of POPI and regulation 2 of the POPIA Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its Personal Information in the prescribed form attached as **Annexure "A"** to this Manual, subject to exceptions contained in POPIA.

7. **Request for correction or deletion of Personal Information**

Section 24 of POPIA and regulation 3 of POPIA Regulations provides that a Data Subject may request that their Personal Information be corrected/deleted in the prescribed form attached as **Annexure "B"** to this Manual.

## ANNEXURE A: FORM 1: OBJECTION TO PROCESSING OF PERSONAL INFORMATION

### (Form 1 of Regulations)

#### FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013  
(ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

1. [Regulation 2]

**Note:**

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal, or business address:	
	Code (    )
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal,	

or business address:	
	Code (    )

Signed at ..... this ..... day of .....20.....

.....

*Signature of data subject/designated person*

**Annexure B: Form 2: REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION**

**FORM 2**

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION  
OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION  
IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL  
INFORMATION ACT, 2013**

**(ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

[Regulation 3]

*Note:*

1. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

Mark the appropriate box with an "x".

Request for:

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

<b>A</b>	<b>DETAILS OF THE DATA SUBJECT</b>
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal, or business address:	
	Code (    )
Contact number(s):	
Fax number/E- mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname /registered name of responsible party:	
Residential, postal, or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
<b>C</b>	<b>INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED</b>
<p><b>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or</b></p> <p><b>REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</b></p> <p><i>(Please provide detailed reasons for the request)</i></p>	

Signed at ..... this ..... day of.....20.....

.....

*Signature of data subject/ designated person*