



**INFORMATION
REGULATOR
(SOUTH AFRICA)**

*Ensuring protection of your personal information
and effective access to information*

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Your Ref: **CCT 48 / 17**

Our Ref:

17th March 2017

PRESS STATEMENT

The Information Regulator welcomes the decision of the Constitutional Court in the case of *Black Sash Trust v Minister of Social Development and Others*. The Information Regulator was cited as the Seventh Respondent in the urgent application whereby the Black Sash Trust had sought relief that the personal information of grant beneficiaries be declared the property of SASSA.

The Information Regulator made submissions to the effect that the personal information of grant beneficiaries is their property and could never vest in a third party. The Information Regulator sought a declaratory order to this effect.

The Court held that the contract between SASSA and CPS must contain terms and conditions for:

“ ...adequate safeguards to ensure that personal data obtained in the payment process remains private and may not be used for any purpose other than payment of the grants ...“ and “ ... precludes anyone from inviting beneficiaries to ‘opt-in’ to the sharing of confidential information for the marketing of goods and services .“

A new era has dawned in South Africa for the protection of personal information. The Information Regulator commends the Constitutional Court for upholding the rights of grant beneficiaries. This is of vital importance where third parties process personal information of vulnerable members of society.

This decision underscores the important role played by the Information Regulator in ensuring adequate protection of personal information of data subjects processed by private and public bodies.

Secretary of the Information Regulator

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