



**INFORMATION
REGULATOR
(SOUTH AFRICA)**

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

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MEDIA STATEMENT

ALLEGED DATA BREACH – AGGREGATED PAYMENT SYSTEM (Pty) Ltd

The Information Regulator (Regulator) has noted various media reports which allege the breach of personal records of nine hundred and thirty four thousand (943,000) South African drivers. The source of the breach is alleged to be the South African traffic fines online payment website called ViewFines.

The alleged data breach includes, amongst others the identity numbers (ID numbers), e-mail addresses, full names as well as the user passwords of South African drivers stored on the ViewFines website in plaintext. The ViewFines website is owned by Aggregated Payment Systems (Pty) Ltd (APS) . The Regulator regards the data breach in an extremely serious light.

Although not all the sections of the Protection of Personal Information Act No. 4 of 2013 (POPIA) have come into effect, the Regulator has decided to proactively engage APS with regards to the alleged data breach.

In this regard the Regulator has written to APS to establish amongst others:

1. confirmation of the alleged data breach;
2. the cause of the alleged data breach;
3. investigation if any, of the alleged breach

4. the extent and materiality of the alleged data breach including the number of South African citizens affected;
5. interim measures put in place by APS to prevent further compromise;
6. security measures that APS have put in place to prevent a recurrence of such an alleged breach; and
7. an undertaking by APS to inform each affected data subject of the breach to allow these data subjects to take proactive measures against potential consequences of the compromise.

In the letter to APS the Regulator reminded APS of its obligations in accordance with Section 19 of POPIA, which include the following:

That APS must:

1. Put in place measures to secure the integrity and confidentiality of personal information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent:–
 - 1.1 either loss of, damage to or unauthorised destruction of personal information and
 - 1.2 unlawful access to or processing of personal information.
2. Ensure that the aforementioned is achieved by taking reasonable measures to: –
 - 2.1 identify all reasonably foreseeable internal and external risks to personal information in its possession or under its controls;
 - 2.2 establish and maintain appropriate safeguards against the risks identified;
 - 2.3 regularly verify that its safeguards are effectively implemented; and
 - 2.4 ensure that safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

3. Have due regard to generally accepted information security practices and procedures which may apply to it generally or be required in terms of specific industry or professional rules and standards.

The alleged ViewFines data breach comes at the time when the Regulator is involved in the Facebook data breach which has affected almost 60 000 South African citizens.

In this regard the Regulator wrote to Facebook South Africa and subsequently received a response from Facebook Ireland Limited (Facebook Ireland) which is responsible for providing the Facebook services in all countries outside the United State of America (USA) and Canada, including South Africa. Facebook Ireland informed the Regulator that it is in the process of conducting an internal investigation into the matter in consultation with the Irish Data Protection Commission. They also informed the Regulator that the Information Commissioner Office (ICO) of the United Kingdom is conducting an investigation into whether “Facebook data may have been illegally acquired and used”.

On 10 May 2018 the Regulator wrote to the ICO requesting progress in the investigation and feedback with regards to South African Facebook users whose personal information may have been compromised. The Regulator received a response from the ICO on 18 May 2018, that the investigation is in progress and that it is in regular contact with Facebook Ireland and the latter is cooperating with the investigation.

The ICO further advised that the data relating to up to 87 million people may have been shared with Cambridge Analytica, rather than the 50 Million as previously reported. The majority of these people are based in the USA and that it had not come across any information relating to South African individuals or businesses. Lastly, the ICO undertook to keep the Regulator informed on any changes in the investigation.

These major data breaches underscore the importance of the need for a fully functional Information Regulator which will be able to enforce the law to its full extent.

ISSUED BY THE CHAIRPERSON OF THE INFORMATION REGULATOR

ADVOCATE PANSY TLAKULA

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