



INFORMATION REGULATOR (SOUTH AFRICA)

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

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03 MARCH 2021

TO: ALL MEDIA

MEDIA STATEMENT

INFORMATION REGULATOR SA PROVIDES LEGAL ANALYSIS ON WHATSAPP PRIVACY POLICY

The Information Regulator (IR) South Africa has noted with concern the statement released by WhatsApp, detailing changes that a user will face if they ignore Facebook's terms by the May 15 deadline. If users will not accept the terms, for a short time these users will be able to receive calls and notifications, but will not be able to read or send messages from the app.

The IR has written to Facebook South Africa and provided an analysis of some of the concerns that it has about the privacy policy of Facebook as it relates to South Africa. For example, it is the IR's view that the processing of cellphone numbers as accessed on the user's contact list for a purpose other than the one for which the number was specifically intended at collection, with the aim of linking the information jointly with the information processed by other responsible parties (such as Facebook companies) does not require consent from the data subject, but prior authorisation from the IR.

Accordingly, WhatsApp cannot without obtaining prior authorisation from the IR in terms of section 57 of Protection of Personal Information Act (POPIA), process any contact information of its users for a purpose other than the one for which the number was specifically intended at collection, with the aim of linking that information jointly with information processed by other Facebook companies.

The IR has also raised as a central concern that citizens of the European Union will receive significantly higher privacy protection than people in South Africa, and Africa.

"We are very concerned about these different standards that apply to us; our legislation is very similar to that of the EU. It was based on that model deliberately, as it provides a significantly better model for the protection of personal information than that in other jurisdictions. We do not understand why Facebook has adopted this differentiation between Europe and Africa," said Chairperson of the IR, Adv. Pansy Tlakula.

The IR has indicated to Facebook SA that it is willing and committed to have a round-table discussion regarding the issues raised to ensure that there is full compliance by the WhatsApp Privacy Policy with the provisions of POPIA and other pertinent international legal instruments.

End.

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ISSUED BY THE INFORMATION REGULATOR OF SOUTH AFRICA