

**Engaging on POPIA and PAIA Compliance Webinar by the Information Regulator (South Africa) on 27 July 2021**

WEBVTT

1  
00:00:16.230 --> 00:00:17.010  
we're good to go.

2  
00:00:22.830 --> 00:00:35.010  
Mndeni Ndwandwe: GCIS: If we could just maybe give a minute and I see people are just coming in and we've got about 110 now just one minute for everybody, then we can start.

3  
00:02:54.210 --> 00:03:09.720  
Mndeni Ndwandwe: GCIS: Good morning and we've got about 210 people now, I think we can start and they still coming through for the benefit of those two right here if we could start i'm going to turn everything over to you Thank you so much.

4  
00:03:12.330 --> 00:03:12.810  
Adv Tlakula (Chairperson of the Regulator) : Okay.

5  
00:03:12.870 --> 00:03:16.200  
Adv Tlakula (Chairperson of the Regulator) : Good morning, thank you very much, facilitate.

6  
00:03:17.670 --> 00:03:28.800  
Adv Tlakula (Chairperson of the Regulator) : I see, we now have 231 which is create a good morning everyone, my name is pensacola kula I am the chairperson of the information regulator.

7  
00:03:29.880 --> 00:03:43.680  
Adv Tlakula (Chairperson of the Regulator) : I am on this webinar with my colleagues who will introduce themselves, there are two members of the regulator Professor says with snail come Tuesday and a.

8  
00:03:44.610 --> 00:04:00.120  
Adv Tlakula (Chairperson of the Regulator) : Miss allison tilly in the we are accompanied by senior management in the interest of time I Maybe I should do that its proper that I introduced them we have missed the moon colony timber.

9

00:04:00.990 --> 00:04:20.520

Adv Tlakula (Chairperson of the Regulator) : Who is the executive responsible for education and communication printing use that at the rate with a regulator on the first of July, we have missed the nemesis see who is the executive of PENA and then we have miss.

10

00:04:21.750 --> 00:04:41.130

Adv Tlakula (Chairperson of the Regulator) : fascists, we love the executive responsible for legal policy, research and information analysis and of course they is also Mr mark rubella, who is the senior manager for for PA.

11

00:04:42.330 --> 00:04:44.820

Adv Tlakula (Chairperson of the Regulator) : And we have our on.

12

00:04:46.470 --> 00:04:48.000

Adv Tlakula (Chairperson of the Regulator) : Our communications.

13

00:04:49.080 --> 00:05:15.180

Adv Tlakula (Chairperson of the Regulator) : manager miss gnomes on Sunday and with those few words out like to welcome all of you and also thank you for making time to attend this webinar that it's been a long journey, since a puppy I was adopted by Parliament in 2013 we have reached a number of milestones, as you know, the fests.

14

00:05:16.440 --> 00:05:28.770

Adv Tlakula (Chairperson of the Regulator) : sections or some of the sections of the act of PR came into operation in 2014 five Members were appointed to office on the first of December.

15

00:05:29.400 --> 00:05:39.660

Adv Tlakula (Chairperson of the Regulator) : 2016 and it is on this day that we were tasked with this big responsibility of establishing the information regulator, from the beginning spin.

16

00:05:40.440 --> 00:05:53.820

Adv Tlakula (Chairperson of the Regulator) : As I say, along Cheney and along by Jamie there were many tears many sweats many sleepless nights which are still there, which are still continuing.

17

00:05:54.690 --> 00:06:06.060

Adv Tlakula (Chairperson of the Regulator) : And, of course, there was the second or third major milestone which was the coming into effect of the remaining sections of hope here.

18

00:06:06.900 --> 00:06:16.290

Adv Tlakula (Chairperson of the Regulator) : In June last year and the last milestone which was July, the CA, which was the coming into effect of the enforcement powers.

19

00:06:16.800 --> 00:06:37.590

Adv Tlakula (Chairperson of the Regulator) : Of the information regulator in the 30th of June this year, which was as taking over the regulation of Paya from the South African human rights commission the journey continues, it is still a long and I think we will hold hands together as we.

20

00:06:38.730 --> 00:06:49.950

Adv Tlakula (Chairperson of the Regulator) : Travel this journey together to give effect to the rights to privacy in this country, which is one of the most important rights that we have closely linked with.

21

00:06:51.060 --> 00:07:03.960

Adv Tlakula (Chairperson of the Regulator) : The rights to the human dignity and, of course, giving effects to the right of access to information to enhance transparency, openness and responsive this.

22

00:07:04.620 --> 00:07:17.610

Adv Tlakula (Chairperson of the Regulator) : Data Protection, I think it's one of the most important a mater's that are confronting us in the 21st century, particularly in the advent of covered 19 where we all.

23

00:07:18.510 --> 00:07:27.990

Adv Tlakula (Chairperson of the Regulator) : Working online buying online transacting online and, as we do so, we give our data freely to those who.

24

00:07:28.620 --> 00:07:53.100

Adv Tlakula (Chairperson of the Regulator) : are providing us with the services that we need, but those people have the responsibility to ensure that they use our data responsibly and lawfully in compliance with the law, without any fear of contradiction, I can save that data abuse it's going to be the

second.

25

00:07:55.800 --> 00:08:07.290

Adv Tlakula (Chairperson of the Regulator) : a human rights issue, the second most important human rights issue that we have to deal with after climate change and by saying that i'm not exaggerating.

26

00:08:08.250 --> 00:08:32.820

Adv Tlakula (Chairperson of the Regulator) : And we those few words and without wasting time I will then requests misty mfcc to give us an overview in the developments and we're going to be very strict with time, because we want to allow as much time as possible for questions and interaction, Mr mfcc you.

27

00:08:34.500 --> 00:08:39.900

Adv Tlakula (Chairperson of the Regulator) : i'm going to give you what 15 minutes to do your presentation over to you, thank you very much.

28

00:08:49.290 --> 00:08:50.040

Mr Nemasisi (Executive: PAIA): Thank you so much.

29

00:08:50.100 --> 00:09:01.920

Mr Nemasisi (Executive: PAIA): chance for an morning to the members of the information regulator and colleagues who are present as well, and the public in general chair.

30

00:09:03.120 --> 00:09:11.700

Mr Nemasisi (Executive: PAIA): of my presentation of us would be the overview of the pay, as we have taken over this function from the.

31

00:09:12.840 --> 00:09:15.330

Mr Nemasisi (Executive: PAIA): 30th of June 2021.

32

00:09:16.500 --> 00:09:25.050

Mr Nemasisi (Executive: PAIA): And the partition topics will do the introduction i'll also deal with the objects of payer, the application of payer i'll.

33

00:09:25.920 --> 00:09:31.740

Mr Nemasisi (Executive: PAIA): Do the overview powers do T cell

function of the information regulator in so far as pie, yes content.

34

00:09:32.250 --> 00:09:43.740

Mr Nemasisi (Executive: PAIA): I was a deal with the issue as to the information officer, especially in and up here, although they are the same with phobia or do the obligation of information, have you signed up higher.

35

00:09:44.310 --> 00:10:02.340

Mr Nemasisi (Executive: PAIA): The grounds of refusal of access the disclosure in public interest are dealing with the complaints that information regulator i'll also deal with the investigating vacation power of the information regulator and offenses and penalties and then, in conclusion, our deal with the developments.

36

00:10:03.450 --> 00:10:11.850

Mr Nemasisi (Executive: PAIA): Have a start with the introduction chairman and and Members the Constitution of the Republic of South Africa state.

37

00:10:13.500 --> 00:10:17.790

Mr Nemasisi (Executive: PAIA): State stated that it's it's an applicator server in a look at the state.

38

00:10:19.110 --> 00:10:27.060

Mr Nemasisi (Executive: PAIA): That is founded on that advancement of human rights and accountable responsive transparent system of government as part of experience.

39

00:10:27.570 --> 00:10:45.000

Mr Nemasisi (Executive: PAIA): And before South Africa, become a customer democracy with an enforceable Bill of Rights, the system of government in South Africa, amongst others, resulted in security and was put the culture in both public and private bodies, which often led the abuse of power and human rights violations.

40

00:10:46.110 --> 00:10:55.680

Mr Nemasisi (Executive: PAIA): It is in disregards program director that section 32 of the Bill of Rights in the Constitution, provide for the vital have access to information held by the States.

41

00:10:56.160 --> 00:11:03.660

Mr Nemasisi (Executive: PAIA): and any information held by another person that is required for the exercise or protection of anybody's, in other words.

42

00:11:04.020 --> 00:11:10.440

Mr Nemasisi (Executive: PAIA): With regard to the access to records held by the private body, you have you can request access those.

43

00:11:10.830 --> 00:11:19.560

Mr Nemasisi (Executive: PAIA): records, if you want to exercise or protect any other rights, but with regard to the public, but there is no such requirement, you are required to have access to those rights.

44

00:11:20.010 --> 00:11:30.840

Mr Nemasisi (Executive: PAIA): So section ready to to have the Constitution in 10 provide for the next month of a national legislation that will give effect to the slides that expecting protecting promoting and.

45

00:11:31.380 --> 00:11:45.660

Mr Nemasisi (Executive: PAIA): confirm that the slides and promotion have access to information act of 2000 which is player, as amended, is the listener legislation, which was elected in accordance with our mission success to to have the Constitution.

46

00:11:46.890 --> 00:11:54.570

Mr Nemasisi (Executive: PAIA): hi yeah there was a few amendment of pie up at the major movement was the amendment by 1600 and 10 of phobia.

47

00:11:55.170 --> 00:12:04.470

Mr Nemasisi (Executive: PAIA): Which is the production of personal information at in terms of which the infomercial regulator has taken over the player function effective from the date of June.

48

00:12:05.190 --> 00:12:14.190

Mr Nemasisi (Executive: PAIA): The other amendment that have been approached to the payer it's the 29th amendment in terms of which are political parties included.

49

00:12:14.790 --> 00:12:23.400

Mr Nemasisi (Executive: PAIA): In that definition of a private body which effectively means that a leader of a political party or any peasant duly authorized by that data.

50

00:12:23.790 --> 00:12:33.330

Mr Nemasisi (Executive: PAIA): Is an information officer, or we can call it that person ahead of a private body, because a political party is now included a definition of a private body.

51

00:12:34.380 --> 00:12:46.050

Mr Nemasisi (Executive: PAIA): So that leader political party will be an information officer and they pay a minimum of 2019 now X 10 device have access to any of the court of the political party.

52

00:12:46.500 --> 00:12:53.160

Mr Nemasisi (Executive: PAIA): And we are going into the elections, very soon, and obviously those rights will most people want to exercise those rights.

53

00:12:53.550 --> 00:12:59.400

Mr Nemasisi (Executive: PAIA): For access that information to those political parties, because they are now included as a private party.

54

00:13:00.000 --> 00:13:07.860

Mr Nemasisi (Executive: PAIA): So, in terms of section in terms of 2019 amendments X, the climate funding of a political parties and independent candidates.

55

00:13:08.190 --> 00:13:17.130

Mr Nemasisi (Executive: PAIA): must be recorded preserved and made available as prescribed, in other words, the public will have the rights to access those.

56

00:13:18.090 --> 00:13:27.360

Mr Nemasisi (Executive: PAIA): records of political party in so far as their funding is content we now jump into the object of player, what is the object of by.

57

00:13:27.870 --> 00:13:35.460

Mr Nemasisi (Executive: PAIA): payout The object is to give

effects the customer might have access to any information, as I indicated held by the state or by in.

58

00:13:36.000 --> 00:13:41.820

Mr Nemasisi (Executive: PAIA): Health by any other person as a sort of quiet to exercise the position of emulates.

59

00:13:42.270 --> 00:13:52.740

Mr Nemasisi (Executive: PAIA): Its object is also to give effect to the level of access to information that object to just really be testing and in a way which help balance all other rights containing the Constitution.

60

00:13:53.100 --> 00:14:03.480

Mr Nemasisi (Executive: PAIA): So, in other words, obviously, for you to be able to exercise your advice in the Constitution, you know, to have access to information, because you need information for you to exercise those labels.

61

00:14:03.780 --> 00:14:18.570

Mr Nemasisi (Executive: PAIA): So that's why they high becomes very critical in order for us to achieve those right we objectify it's also to promote the human rights culture and social justice for people in the public, public and private sector.

62

00:14:19.830 --> 00:14:27.540

Mr Nemasisi (Executive: PAIA): That is not objective is to stop these are voluntary and monitoring mechanism or procedures to give effect to the right of access to information.

63

00:14:27.870 --> 00:14:38.070

Mr Nemasisi (Executive: PAIA): In a manner which enable access to obtain access to records are public and private bodies as shift really inexpensively effortlessly as reasonable as possible.

64

00:14:38.700 --> 00:14:44.100

Mr Nemasisi (Executive: PAIA): And also, we, the additional object of Paya will be to promote transparency.

65

00:14:44.580 --> 00:15:00.300

Mr Nemasisi (Executive: PAIA): Accountability effective governance of all institution, this includes public and private institution by department people to understand the access to information rights act on those rights and scrutinize and engage



with a decision making that affect them.

66

00:15:01.800 --> 00:15:07.320

Mr Nemasisi (Executive: PAIA): So we jump in the interest of time to deal with the application of higher tune that this.

67

00:15:08.100 --> 00:15:15.330

Mr Nemasisi (Executive: PAIA): applies to so pay applies to the Court of public and private body, regardless of when does record came into existence.

68

00:15:15.660 --> 00:15:22.110

Mr Nemasisi (Executive: PAIA): So he doesn't matter where that is what he was inexistent in the last three years, you cannot then say not that like what's it been.

69

00:15:22.620 --> 00:15:29.790

Mr Nemasisi (Executive: PAIA): Nice for more than three years there for you to not have to have access to those so it doesn't make a windows record came into existence.

70

00:15:30.210 --> 00:15:36.600

Mr Nemasisi (Executive: PAIA): I also applies to the exclusion of any provision of other legislation that prohibit or restrict to the dispersion of because.

71

00:15:36.960 --> 00:15:47.070

Mr Nemasisi (Executive: PAIA): of public or private body and his material inconsistent with an object or specific provision of this act, in other words, if there are any legislation that prohibits.

72

00:15:47.820 --> 00:15:57.930

Mr Nemasisi (Executive: PAIA): disclosure of the information we need to check with that that legislation it's my it's in inconsistency is consistent with the object of this act.

73

00:15:58.320 --> 00:16:06.900

Mr Nemasisi (Executive: PAIA): If it's not there for that pilot will take precedence and then Paya does not apply to record requests it for the purpose of criminal or civil proceedings.

74

00:16:07.170 --> 00:16:16.080

Mr Nemasisi (Executive: PAIA): If another low profile for the disclosure of the certificates, for example, if you are incident secret proceedings, you know that, in terms of them hi coach.

75

00:16:16.380 --> 00:16:28.140

Mr Nemasisi (Executive: PAIA): phones, you can actually request for access to the records that are required for that proceedings, also in terms of criminal procedure, so you can access access, so if you cannot there for us higher.

76

00:16:28.530 --> 00:16:34.920

Mr Nemasisi (Executive: PAIA): to request access aid for criminal or civil procedure, because the legislation that provide for those actors.

77

00:16:36.300 --> 00:16:43.110

Mr Nemasisi (Executive: PAIA): hey it does not also apply to every quarter of a catalyst, or its committees and relating to the judicial.

78

00:16:43.650 --> 00:16:50.850

Mr Nemasisi (Executive: PAIA): function of a court special dinner it's a YouTube you know also judicial officer, such as coach or special dinner.

79

00:16:51.360 --> 00:17:09.120

Mr Nemasisi (Executive: PAIA): It also does not apply to an individual member of parliament or challenged the HR in that capacity, it also does not apply to every quarter the garden denominations election or appointment of education officer or any other person by the judicial service Commission in terms of in animal.

80

00:17:10.770 --> 00:17:18.300

Mr Nemasisi (Executive: PAIA): So we'll jump now to deal with what are the powers to T cell function of the information regulator insofar as pie as content.

81

00:17:18.870 --> 00:17:28.830

Mr Nemasisi (Executive: PAIA): So the regulator has a very important role in addition to hire and its function includes basically promote timely and fixed it dissemination of accurate information.

82

00:17:29.640 --> 00:17:35.280

Mr Nemasisi (Executive: PAIA): By public and private what is about their activities and so that's one of the.

83

00:17:36.030 --> 00:17:44.760

Mr Nemasisi (Executive: PAIA): function of the regulator, the regulator also assist any person we see to exercise right contemplative empire, wherever possible, to do so.

84

00:17:45.270 --> 00:17:50.190

Mr Nemasisi (Executive: PAIA): The regulator also monitor the implementation of Paya by public and private bodies.

85

00:17:51.120 --> 00:18:02.520

Mr Nemasisi (Executive: PAIA): So, in other words, you will see some official from the information regulator coming to the public or private bodies checking if their processes are actually in compliance with a page.

86

00:18:03.480 --> 00:18:15.330

Mr Nemasisi (Executive: PAIA): We also have the power to investigate complaints our deals in detail with investigation power of the regulator, we also have power to act, where appropriate, as a conciliator in addition to.

87

00:18:15.900 --> 00:18:23.550

Mr Nemasisi (Executive: PAIA): Such complaints, so we do also assisted dispute resolution mechanism in terms of this complaint that would have been large with the regulator.

88

00:18:24.870 --> 00:18:27.930

Mr Nemasisi (Executive: PAIA): What are the power of that information like nature, we have power.

89

00:18:28.620 --> 00:18:34.470

Mr Nemasisi (Executive: PAIA): to issue an information notice disabilities that normally be issued during investigation of a complaint.

90

00:18:34.800 --> 00:18:44.070

Mr Nemasisi (Executive: PAIA): And this in this Notice that's what we want to request the parties, especially the body that, in which the complaint has been logged against to provide the regulator.

91

00:18:44.430 --> 00:18:53.790

Mr Nemasisi (Executive: PAIA): Within specific information required for people's investigation, we also have the power to the fair complaint after conducting investigations, the enforcement committee.

92

00:18:54.240 --> 00:19:00.870

Mr Nemasisi (Executive: PAIA): Which is an integrated body, chaired by an independent person, but it is the committee often have that information regulator.

93

00:19:01.590 --> 00:19:05.460

Mr Nemasisi (Executive: PAIA): We also have powers to issue a to call enforcement notice.

94

00:19:06.180 --> 00:19:15.660

Mr Nemasisi (Executive: PAIA): The disabilities, that will be issued by the regulator appointment seat of the recommendation of the investment committee this notice will be compelling, for example, the.

95

00:19:16.170 --> 00:19:23.700

Mr Nemasisi (Executive: PAIA): The budget in which the kundalini has been launched ideas to, for example, to disclose information or to perform certain functions.

96

00:19:24.120 --> 00:19:28.860

Mr Nemasisi (Executive: PAIA): Or to act in certain way, as would be contained in that enforcement notice.

97

00:19:29.370 --> 00:19:42.600

Mr Nemasisi (Executive: PAIA): I will deal with the issue of what would be the consequences for non compliance with that enforcement notice that will be you should have a glitter later on, they are issues about now, who are the information officers.

98

00:19:43.710 --> 00:19:53.790

Mr Nemasisi (Executive: PAIA): So the information officer is actually the head of the body of the private body as well, so information officer and papaya and puppies are the same people.

99

00:19:54.120 --> 00:20:02.550

Mr Nemasisi (Executive: PAIA): So the head of a private woody or the CEO or the head of a public body they're both information officer and avoid paying for beer.

100

00:20:03.210 --> 00:20:10.050

Mr Nemasisi (Executive: PAIA): In terms of a public body or which would normally call them a particular state will just a highlight for national departments.

101

00:20:10.950 --> 00:20:28.770

Mr Nemasisi (Executive: PAIA): At the office of the Presidency, those the DG of those additional provincial government, the DG of those departments will be the information officers or any person acting in size capacity and then for provincial departments, the HR.

102

00:20:29.910 --> 00:20:40.290

Mr Nemasisi (Executive: PAIA): HR information officers or any person acting in that capacity office of the premier also the DG will be the information officer or any puzzle acting in that capacity.

103

00:20:40.770 --> 00:20:58.260

Mr Nemasisi (Executive: PAIA): With regard to the municipality, it will be the means file manager or any person acting in such capacity as an acting means file manager for public institution like informational regulator escom the CEO or the person acting in that capacity is the information officer.

104

00:20:59.550 --> 00:21:08.490

Mr Nemasisi (Executive: PAIA): With regard to the private body your body's natural person, which is means initial personal carries on a trade, business on in that capacity if you're a sole.

105

00:21:09.240 --> 00:21:20.880

Mr Nemasisi (Executive: PAIA): trader, then you are in information of the staff of the business that you are conducting were political party, as I indicated earlier on elite of political party or any person do they offer it, but that officer.

106

00:21:21.420 --> 00:21:37.830

Mr Nemasisi (Executive: PAIA): he's a trendy and information officer for a partnership any partner of a partnership so if you have good partnership of two or more people, so one of you have

that partners can be is an information officer or any person to the authorized by that partnership.

107

00:21:39.060 --> 00:21:45.540

Mr Nemasisi (Executive: PAIA): which will get an interesting person, which means for a company that might be incorporated in terms of the companies at.

108

00:21:45.990 --> 00:21:53.310

Mr Nemasisi (Executive: PAIA): The chief executive officer or a Managing Director or equivalent officer, the reason why we said equivalent, obviously, because the structure.

109

00:21:53.640 --> 00:22:02.460

Mr Nemasisi (Executive: PAIA): of a company may be different from one company to the other in other companies you don't have C or you're managing director in other companies, you might find that they call.

110

00:22:02.760 --> 00:22:10.500

Mr Nemasisi (Executive: PAIA): The sea or in a different day but that person who is the head of that particular juicy peasant is the information officer.

111

00:22:11.550 --> 00:22:20.250

Mr Nemasisi (Executive: PAIA): And, and, as I indicated earlier on the political parties, they are juicy person the CEO or the Managing Director of those.

112

00:22:20.610 --> 00:22:37.260

Mr Nemasisi (Executive: PAIA): entity can actually authorized any person to be an acting to be an information officer, but the person who could be authorized as an information officer can only be an employee of that organization, so you cannot outsource to a private company.

113

00:22:38.790 --> 00:22:52.410

Mr Nemasisi (Executive: PAIA): What abrogation of the information officer and and apply here, so the information officer must ensure that a manual is developed money tied to maintain this is in terms of Section 1414 is for public bodies and.

114

00:22:54.480 --> 00:23:02.670

Mr Nemasisi (Executive: PAIA): least in terms of private bodies

and this manual must be made available on the website, if any sort of a private body does not have.

115

00:23:03.300 --> 00:23:10.290

Mr Nemasisi (Executive: PAIA): Any anybody or public or private body does not have a website, they are not compelled to have.

116

00:23:10.650 --> 00:23:17.100

Mr Nemasisi (Executive: PAIA): That manual the to be forced to have a website it's only for those bodies that has a website, they must put that on the website.

117

00:23:17.550 --> 00:23:33.060

Mr Nemasisi (Executive: PAIA): and also the debut to have the manual at the head office of that would be for public inspection during normal business hours they also they can make that a manual available to any person, upon request and upon payment of the reasonable amount.

118

00:23:34.260 --> 00:23:42.060

Mr Nemasisi (Executive: PAIA): vain mind that the payment it's only upon request a copy, so if it's for inspection you don't have it's not a requirement for payment.

119

00:23:42.750 --> 00:23:53.100

Mr Nemasisi (Executive: PAIA): They might you can also be made available to the information regulator, upon request, mean that the information articulator came to request a copy of a manual from any private or public body.

120

00:23:54.000 --> 00:24:00.750

Mr Nemasisi (Executive: PAIA): And it has to be provided with those with that those manual please note that the menu in terms of the amendment of.

121

00:24:01.860 --> 00:24:08.190

Mr Nemasisi (Executive: PAIA): payer, you do not have to submit your manual to the information regulator unless the regulator requested cookie.

122

00:24:08.580 --> 00:24:16.020

Mr Nemasisi (Executive: PAIA): So unless the previous way in every public or private, was that are quite compile manual will submit those banners that Human Rights Commission.

123

00:24:16.410 --> 00:24:24.210

Mr Nemasisi (Executive: PAIA): In terms of the main activity history requirement for you to submit your manual to the link to the regulator and less than a little request for a copy.

124

00:24:24.510 --> 00:24:32.610

Mr Nemasisi (Executive: PAIA): All you need to do is to have a cookie available at your head office or upon request or available in your website, if you do have a website.

125

00:24:34.200 --> 00:24:37.410

Mr Nemasisi (Executive: PAIA): The obligation of the information officer as well.

126

00:24:38.580 --> 00:24:54.690

Mr Nemasisi (Executive: PAIA): So section of player request information officer or head of body to compile it by a manual, this means that each body within a month we have its own manly man, you are one of the Christian that we normally receive it's what hip connect group of companies.

127

00:24:55.800 --> 00:25:04.020

Mr Nemasisi (Executive: PAIA): Prepare one minute their essays each body, the information Officer of a body mass compiling manual, which means that.

128

00:25:04.320 --> 00:25:14.640

Mr Nemasisi (Executive: PAIA): Each body, because they've got different records each body must have its own manual and specify the records in their manual what kind of because they have in their manual.

129

00:25:15.480 --> 00:25:23.700

Mr Nemasisi (Executive: PAIA): Because then information observe each board with with different information of each body and those information officers, they have an obligation to compile a manual.

130

00:25:24.600 --> 00:25:31.020

Mr Nemasisi (Executive: PAIA): The information officer are also as well, have a public body mass index, such as liberal assistant free of charge is.



131

00:25:31.500 --> 00:25:39.450

Mr Nemasisi (Executive: PAIA): valid to enable that request to complete the request for access to information from so, in other words, if a person tried to request info.

132

00:25:39.990 --> 00:25:49.830

Mr Nemasisi (Executive: PAIA): To the pace access for information, the information officer does have an obligation to assist that person to complete that form so for request for access.

133

00:25:51.780 --> 00:25:57.690

Mr Nemasisi (Executive: PAIA): The account of refusal of access, so, in other words there's such a grant that has been prescribed in the air.

134

00:25:57.990 --> 00:26:07.830

Mr Nemasisi (Executive: PAIA): which the public public bodies may use that for refusal of access so Paya provided lease of weeds and so grounds of confused have access to records.

135

00:26:08.280 --> 00:26:19.230

Mr Nemasisi (Executive: PAIA): They are mandatory grounds of refusal and discretionary account of racism, have access to vapors so many telegrams are those that bodies compelled to refuse access.

136

00:26:19.590 --> 00:26:27.480

Mr Nemasisi (Executive: PAIA): And the description display static routes are those that a body may decide to client or refuse so they've got a discussion, whether to graduate with us.

137

00:26:27.780 --> 00:26:34.650

Mr Nemasisi (Executive: PAIA): But with regard to the mandatory one you are compelled to infuse, for example, if you request customer information of that party.

138

00:26:35.010 --> 00:26:41.610

Mr Nemasisi (Executive: PAIA): That it's a monetary that you are required to refuse access to those personal information of a third party.

139

00:26:42.420 --> 00:26:50.070

Mr Nemasisi (Executive: PAIA): Please note that a request for access can only be refused on the basis of any of the listed cards for refusal of access.

140

00:26:50.310 --> 00:27:01.200

Mr Nemasisi (Executive: PAIA): So, in the absence of those grounds of refusal, you cannot refuse access to information, unless you add to cart to disclose that in the public interest.

141

00:27:02.010 --> 00:27:18.180

Mr Nemasisi (Executive: PAIA): In and despite the existence of the ground of refuse have access to records, with the exception of south of record the information Officer of a body which means buddy a public or private body is compelled to grant access to other what if, firstly.

142

00:27:18.210 --> 00:27:21.510

Adv Tlakula (Chairperson of the Regulator) : The disclosure of the reason embassy i'm sorry.

143

00:27:22.230 --> 00:27:27.900

Adv Tlakula (Chairperson of the Regulator) : We have only seven three minutes to finish, because we otherwise we're going to run very badly.

144

00:27:28.860 --> 00:27:29.610

Mr Nemasisi (Executive: PAIA): I think so much.

145

00:27:30.150 --> 00:27:38.760

Mr Nemasisi (Executive: PAIA): i'll quickly jump so let's summarize with regard to the displeasure, the public interest, they asked the evil spirit of whether you're better rounds of.

146

00:27:39.810 --> 00:27:45.270

Mr Nemasisi (Executive: PAIA): refusal of access in the public interest, you would be required to disclose certain information.

147

00:27:46.290 --> 00:27:58.110

Mr Nemasisi (Executive: PAIA): would quickly deal with the complaints that information regulator so have request or third party made only submit a complaint, the regulator after the request or third party has existed internal appeal.

148

00:27:59.010 --> 00:28:07.290

Mr Nemasisi (Executive: PAIA): And, and therefore by the opposite, there is no requirement for you that you must be for you go to court, you must go to the information regulator.

149

00:28:07.530 --> 00:28:12.780

Mr Nemasisi (Executive: PAIA): You can actually if, after you have followed all the process of requesting access to your body.

150

00:28:13.050 --> 00:28:23.550

Mr Nemasisi (Executive: PAIA): You can you can actually go to even decide whether to go and measure conduct the regulator, or you want to go to the Court directly but they complained to the regulator must be large within hundred and 80 days.

151

00:28:24.840 --> 00:28:34.890

Mr Nemasisi (Executive: PAIA): If I mean quickly jump to the powers of the information regulator in terms of investigation, we can someone enforce our parents have any pets and before the information regulator.

152

00:28:35.250 --> 00:28:43.140

Mr Nemasisi (Executive: PAIA): We can also enter and such any previous is occupied by public and private what is, we can stitch and seizure, as well as we conduct our investigation.

153

00:28:43.650 --> 00:28:54.750

Mr Nemasisi (Executive: PAIA): What are the offenses that we we are they in terms of player if you this non compliance i'll give an example, firstly, if you destroy damage falsify records.

154

00:28:55.050 --> 00:29:02.160

Mr Nemasisi (Executive: PAIA): That is a fine or employees meant for a period of two years just going to jump with the week one non compliant with the enforcement notice.

155

00:29:02.430 --> 00:29:09.510

Mr Nemasisi (Executive: PAIA): If you do not comply with enforcement note is issued by the regulator, there is actually a fine for improvement for part of the years.

156

00:29:10.320 --> 00:29:22.320

Mr Nemasisi (Executive: PAIA): In conclusion, the development currently the you as you are aware, the the The Minister has

actually extended the exemption, but those private bodies who were.

157

00:29:22.770 --> 00:29:38.730

Mr Nemasisi (Executive: PAIA): not allowed to the choir to compile it by a manual the exemption is until the end of December, however, from the first of January 2022 every permit the public would you will be required to have the pyre manual and make them available, so the exemption will not be extended.

158

00:29:39.780 --> 00:29:50.940

Mr Nemasisi (Executive: PAIA): From January 2022 up until the end of December, you don't as those private bodies that exempted, they need to start now to prepare their PR manual in preparation for the first of January.

159

00:29:51.330 --> 00:29:59.940

Mr Nemasisi (Executive: PAIA): 2022 and I will take you to the process of finalizing the pyre manual templates for public and private, what is this template will be publicized.

160

00:30:00.270 --> 00:30:08.820

Mr Nemasisi (Executive: PAIA): To assist those, especially the private what is that have never compiled manual to be user friendly template that to be able to populate that higher manual.

161

00:30:09.390 --> 00:30:12.960

Mr Nemasisi (Executive: PAIA): And then do today delay in the publication of pyrotechnicians.

162

00:30:13.740 --> 00:30:23.550

Mr Nemasisi (Executive: PAIA): The regulator may not be able to adjudicate some of the complaints that you may want to lunch with the information regulator, we are waiting for the Minister of Justice to publicize the regulations.

163

00:30:23.940 --> 00:30:28.560

Mr Nemasisi (Executive: PAIA): And we are hoping that, by next week, hopefully, those regulations should be publicized.

164

00:30:28.860 --> 00:30:36.780

Mr Nemasisi (Executive: PAIA): But we are making follow up with the Minister, because we really need to have a vision of this is so that would probably can start merging that complains the

prescribed form.

165

00:30:37.320 --> 00:30:43.230

Mr Nemasisi (Executive: PAIA): And lastly, the regulator will be for the end of this financial year will publish the procedure for making information.

166

00:30:43.620 --> 00:30:56.580

Mr Nemasisi (Executive: PAIA): electronically available, so those procedures, I have already been project that going through the approval stage but we'll make those available as to how you can make your information electronically available Thank you so much, and yeah.

167

00:31:03.240 --> 00:31:07.320

Adv Tlakula (Chairperson of the Regulator) : Sorry, I was muted, thank you very much, Mr name SEC i'm.

168

00:31:07.320 --> 00:31:08.670

Adv Tlakula (Chairperson of the Regulator) : Sorry for.

169

00:31:09.150 --> 00:31:20.430

Adv Tlakula (Chairperson of the Regulator) : interrupting you we want to take as many questions as possible i'm now going to request, Mr mark rubella to give us a brief overview and developments, Mr.

170

00:31:21.690 --> 00:31:30.450

Adv Tlakula (Chairperson of the Regulator) : magoo Bella please bear in mind that we have time constraints, and I want to make an assumption that the participants.

171

00:31:30.450 --> 00:31:30.870

Adv Tlakula (Chairperson of the Regulator) : Who are.

172

00:31:30.960 --> 00:31:36.090

Adv Tlakula (Chairperson of the Regulator) : attending this webinar I way of the eight conditions for the law for.

173

00:31:36.090 --> 00:31:45.630

Adv Tlakula (Chairperson of the Regulator) : processing of personal information we've been dealing with that for a long time, so if you can just spend time on the developments that will

pass it.

174

00:31:45.690 --> 00:31:46.920

L Makhubela: Senior Manager: POPIA: over to the cinema says.

175

00:31:49.020 --> 00:31:49.800

Adv Tlakula (Chairperson of the Regulator) : It sorry I.

176

00:31:49.830 --> 00:31:50.790

Adv Tlakula (Chairperson of the Regulator) : missed the mark, I.

177

00:31:53.790 --> 00:31:54.510

L Makhubela: Senior Manager: POPIA: Think a chair.

178

00:31:56.880 --> 00:31:57.990

L Makhubela: Senior Manager: POPIA: A.

179

00:31:58.050 --> 00:32:07.170

L Makhubela: Senior Manager: POPIA: program director chairperson members executives clinics Members really money.

180

00:32:08.730 --> 00:32:15.270

L Makhubela: Senior Manager: POPIA: And I will delve into small powers from the first of July 2021.

181

00:32:18.600 --> 00:32:33.690

L Makhubela: Senior Manager: POPIA: On responsible parties are expert to ensure that all processing of personal information complies with protection of personal information act or via the enforcement powers of the regulator came into effect on the stage.

182

00:32:34.950 --> 00:32:51.090

L Makhubela: Senior Manager: POPIA: SMS the nemesis is also indicated from the 30th of June 2021 the regulator responsible for the promotion and enforcement of rights protected by Paya this function was previously with the South African Human Rights Commission.

183

00:32:52.350 --> 00:32:54.450

L Makhubela: Senior Manager: POPIA: slide three.

184

00:32:56.880 --> 00:32:57.660

L Makhubela: Senior Manager: POPIA: On the fifth.

185

00:32:58.740 --> 00:33:12.270

L Makhubela: Senior Manager: POPIA: of February 2022 section 58 to have puppy I shall become applicable to the processing of personal information, as referred to in terms of Section 57 of copia that would.

186

00:33:13.440 --> 00:33:23.370

L Makhubela: Senior Manager: POPIA: relate to the applications for prior authorization, which means the grace period has been extended until the first of February 2022.

187

00:33:24.450 --> 00:33:25.710

L Makhubela: Senior Manager: POPIA: slide number for.

188

00:33:26.850 --> 00:33:37.470

L Makhubela: Senior Manager: POPIA: The role players in puppy, you will have the data subjects, the responsible party, the operator completed and the competent person.

189

00:33:39.600 --> 00:33:59.310

L Makhubela: Senior Manager: POPIA: A data subject, which means a person to information relates, the responsible party can be public or private body or in person, which alone or in conjunction with other determines the purpose of off and means for the processing of personal info.

190

00:34:00.660 --> 00:34:02.880

L Makhubela: Senior Manager: POPIA: issue they operate.

191

00:34:06.570 --> 00:34:10.050

L Makhubela: Senior Manager: POPIA: The person who processes personal information from.

192

00:34:11.430 --> 00:34:21.570

L Makhubela: Senior Manager: POPIA: coming under the direct of rich of that patch and the last one is the completed person was legally competent.

193

00:34:22.590 --> 00:34:26.850

L Makhubela: Senior Manager: POPIA: to represent represent a challenge not especially.

194

00:34:28.500 --> 00:34:35.850

L Makhubela: Senior Manager: POPIA: As you know that children need a assistance for instance from a parent's to.

195

00:34:37.170 --> 00:34:39.060

L Makhubela: Senior Manager: POPIA: On their behalf, if needed.

196

00:34:40.350 --> 00:34:46.770

L Makhubela: Senior Manager: POPIA: obligation, they must be assisted by their by a competent person sledding number four.

197

00:34:48.360 --> 00:34:49.500

L Makhubela: Senior Manager: POPIA: I want to touch.

198

00:34:50.520 --> 00:34:57.870

L Makhubela: Senior Manager: POPIA: On this chapters and has already indicated that we have debt previously dealt with the eight conditions for low for processing of.

199

00:34:59.340 --> 00:35:17.550

L Makhubela: Senior Manager: POPIA: information which is accountability processing limitation paper specification for the processing limitation information quality openness security safeguard in the last one, is that a subject participation will then skip this.

200

00:35:20.220 --> 00:35:21.510

L Makhubela: Senior Manager: POPIA: and

201

00:35:23.070 --> 00:35:27.600

L Makhubela: Senior Manager: POPIA: jump to slide number nine so that we can deal with of conduct.

202

00:35:30.210 --> 00:35:30.810

L Makhubela: Senior Manager: POPIA: Men.

203

00:35:33.510 --> 00:35:36.840

L Makhubela: Senior Manager: POPIA: that have been developed by the regulator.



204  
00:35:39.000 --> 00:35:44.370  
L Makhubela: Senior Manager: POPIA: In order to assist responsible parties to comply with puppy or the regulator's this one is the.

205  
00:35:45.660 --> 00:35:49.650  
L Makhubela: Senior Manager: POPIA: Guidance know on pause of conduct on the issue of.

206  
00:35:50.880 --> 00:36:00.240  
L Makhubela: Senior Manager: POPIA: shouldn't have codes of conduct, this is trusted patties when tantra to make applications to the regulator for the issue in of course of.

207  
00:36:03.570 --> 00:36:04.260  
L Makhubela: Senior Manager: POPIA: and

208  
00:36:06.540 --> 00:36:17.880  
L Makhubela: Senior Manager: POPIA: As contemplated in sections 6268 of those applications must be submitted to the regulator in terms of from three of puppy regulations.

209  
00:36:19.200 --> 00:36:23.760  
L Makhubela: Senior Manager: POPIA: We have been receiving a lot of applications with regard to the issue of codes of conduct.

210  
00:36:24.510 --> 00:36:36.690  
L Makhubela: Senior Manager: POPIA: But what we have observed, is that normally they don't comply in terms of ensuring that the necessary form which is from three of peer recognition.

211  
00:36:37.140 --> 00:36:57.990  
L Makhubela: Senior Manager: POPIA: is attached to that application so i'm just emphasizing the fact that when there's an application for the issue of code of conduct the applicants must try to ensure that they adhere to the revelations in terms of ensuring that the form three of regulations is is attached to the application.

212  
00:36:59.010 --> 00:37:12.390  
L Makhubela: Senior Manager: POPIA: The second one is the guidance note on the on the information officers and digital

information officers, Mr nemesis is already touched on that a.

213

00:37:14.460 --> 00:37:25.740

L Makhubela: Senior Manager: POPIA: The third one is the guidance note on prior authorizations i've already indicated that the grace periods for making an an application to directly.

214

00:37:26.280 --> 00:37:39.390

L Makhubela: Senior Manager: POPIA: regulator for the issue of I mean for for prior authorization has been extended to the festival of February 2022 but currently there are applications that we are currently busy.

215

00:37:40.440 --> 00:37:49.680

L Makhubela: Senior Manager: POPIA: Processing we have received more than 300 applications already, but they are been considered I know they may be a consent from applicants were.

216

00:37:50.820 --> 00:37:59.880

L Makhubela: Senior Manager: POPIA: Because we may not necessarily have acknowledged the recent on all of those applications that we have received but yes i've been processed and.

217

00:38:00.330 --> 00:38:07.380

L Makhubela: Senior Manager: POPIA: The grace period has been extended as i've already indicated before, and the other guy just note is a.

218

00:38:07.950 --> 00:38:29.370

L Makhubela: Senior Manager: POPIA: guide is not on exemption from conditions for processing of personal information has content provided in section 36 to eight of PA and other one is guidance note and processing of special personal information in terms of sections during the six two beta three of puppies.

219

00:38:32.430 --> 00:38:38.700

L Makhubela: Senior Manager: POPIA: And, and a lot of information of children, which we have also received applications with regard to.

220

00:38:39.900 --> 00:38:42.600

L Makhubela: Senior Manager: POPIA: The category of such and such.

221

00:38:43.620 --> 00:38:47.190

L Makhubela: Senior Manager: POPIA: applications and i've been considered as.

222

00:38:49.500 --> 00:38:50.190

L Makhubela: Senior Manager: POPIA: A.

223

00:38:51.600 --> 00:39:14.370

L Makhubela: Senior Manager: POPIA: slide 10 the regulator also is in the process of finalizing the following guidance notes and guidance, not on direct marketing has provided for in section 69 of.

224

00:39:20.040 --> 00:39:26.610

L Makhubela: Senior Manager: POPIA: As well as the guidance node particularly elegant organizational security measures, as provided for in section 19 Bia.

225

00:39:28.440 --> 00:39:30.900

L Makhubela: Senior Manager: POPIA: Information officers in.

226

00:39:34.020 --> 00:39:39.030

L Makhubela: Senior Manager: POPIA: digital information officers, I think, a message and Mrs he says order.

227

00:39:40.530 --> 00:39:49.110

L Makhubela: Senior Manager: POPIA: touched on this, but what is this aspect is that, in terms of 1650 to 55 two of the.

228

00:39:51.420 --> 00:39:57.090

L Makhubela: Senior Manager: POPIA: Officers must take up that Judas only after the responsible party has registered them with the regulator.

229

00:39:58.020 --> 00:40:09.240

L Makhubela: Senior Manager: POPIA: A it's a requirement in terms of both a pioneer in PA to ensure that information officers are registered with the information regulator.

230

00:40:09.990 --> 00:40:23.880

L Makhubela: Senior Manager: POPIA: As well as too dependent is

the prerogative of a body to you to decide whether they want to also did signet a digital information officer or notch so.

231

00:40:25.650 --> 00:40:26.400

L Makhubela: Senior Manager: POPIA: drew to that.

232

00:40:27.480 --> 00:40:29.910

L Makhubela: Senior Manager: POPIA: Because there is a portal, which was developed.

233

00:40:31.080 --> 00:40:41.640

L Makhubela: Senior Manager: POPIA: With the assistance of the Department of Justice previously and the direct data is our way of those challenges, and currently.

234

00:40:46.800 --> 00:40:59.700

L Makhubela: Senior Manager: POPIA: has been upgraded editing updating and registration of information officers for multiple entities, so an update will be provided on our various.

235

00:41:03.000 --> 00:41:19.590

L Makhubela: Senior Manager: POPIA: Various communication level so looking at the possibility of ensuring that we create our own system so, but if had that communication with regard to this will will be issued by our communication unit into cars.

236

00:41:22.710 --> 00:41:27.120

L Makhubela: Senior Manager: POPIA: And the duties and responsibilities of information officer.

237

00:41:28.980 --> 00:41:34.920

L Makhubela: Senior Manager: POPIA: One is the encouragement of compliance with the condition for the lawful processing of personal information.

238

00:41:38.430 --> 00:41:52.800

L Makhubela: Senior Manager: POPIA: Dealing with request made to the body persuade and in relation to invest geishas conducted this went to Chapter six in relation to the book a Chapter six specifically deals with a.

239

00:41:55.320 --> 00:41:56.460

L Makhubela: Senior Manager: POPIA: Processing of.

240

00:41:58.080 --> 00:42:01.860

L Makhubela: Senior Manager: POPIA: Which is subject prior authorizations.

241

00:42:02.970 --> 00:42:15.960

L Makhubela: Senior Manager: POPIA: would know that in terms of Section 50% application for prior authorization that determination must be made by the regulator within four weeks, where the.

242

00:42:19.020 --> 00:42:23.550

L Makhubela: Senior Manager: POPIA: application will be or not so it's.

243

00:42:25.860 --> 00:42:28.770

L Makhubela: Senior Manager: POPIA: In terms of data, making such a determination.

244

00:42:30.570 --> 00:42:41.370

L Makhubela: Senior Manager: POPIA: The regulator if it decides to fair such an applicant for a detailed investigation, also as a period of up to date in weeks.

245

00:42:42.000 --> 00:42:57.810

L Makhubela: Senior Manager: POPIA: to conduct session investigation, so if there is a need for such an investigation was a regulator, we have to work hand in glove with the with the information officer to assist in terms of Kevin such an investigator.

246

00:42:59.250 --> 00:43:01.830

L Makhubela: Senior Manager: POPIA: And so that's what chapters.

247

00:43:05.670 --> 00:43:07.320

L Makhubela: Senior Manager: POPIA: And now that a.

248

00:43:11.850 --> 00:43:12.150

L Makhubela: Senior Manager: POPIA: Good.

249

00:43:15.720 --> 00:43:17.880

L Makhubela: Senior Manager: POPIA: And in terms of.

250

00:43:18.510 --> 00:43:21.240

additional responsibilities for information.

251

00:43:22.500 --> 00:43:28.890

L Makhubela: Senior Manager: POPIA: duties for information officers, that is to ensure that a compliance framework is.

252

00:43:30.150 --> 00:43:41.400

L Makhubela: Senior Manager: POPIA: implemented monitored and maintained as well as to ensure that additional information impact assessment is done, as well as treasure.

253

00:43:43.200 --> 00:43:43.770

L Makhubela: Senior Manager: POPIA: Highly.

254

00:43:46.350 --> 00:43:47.940

L Makhubela: Senior Manager: POPIA: developed, as Mr in.

255

00:43:49.170 --> 00:43:50.340

complaints.

256

00:43:52.050 --> 00:44:12.780

L Makhubela: Senior Manager: POPIA: With regard to complaints i've indicated in my introduction that the regulator does have enforcement powers as from the first of July 2021 so currently if there is a complaint is to be launched with the regulator.

257

00:44:15.390 --> 00:44:19.950

L Makhubela: Senior Manager: POPIA: It must be done in a prescribed form, which is a.

258

00:44:21.510 --> 00:44:29.130

L Makhubela: Senior Manager: POPIA: contained in Regulation five of poker regulations, so it will have to be completed and some be submitted.

259

00:44:31.140 --> 00:44:34.980

L Makhubela: Senior Manager: POPIA: To the regulator as a complaint and.

260

00:44:36.180 --> 00:44:51.480  
L Makhubela: Senior Manager: POPIA: that the same form is already if i'm not mistaken, it should be uploaded on our system so that people who may be a willing to rush or submit complaints with the regulator, can you make.

261

00:44:53.220 --> 00:44:57.150  
L Makhubela: Senior Manager: POPIA: A responsible party, for instance.

262

00:44:59.070 --> 00:45:00.150  
Adv Tlakula (Chairperson of the Regulator) : as possible in.

263

00:45:00.810 --> 00:45:02.040  
L Makhubela: Senior Manager: POPIA: That subject may said.

264

00:45:02.040 --> 00:45:03.030  
Adv Tlakula (Chairperson of the Regulator) : I missed the mark Cuban.

265

00:45:03.390 --> 00:45:05.340  
Adv Tlakula (Chairperson of the Regulator) : Mr Michael Dell I think we're running out of.

266

00:45:05.370 --> 00:45:07.800  
Adv Tlakula (Chairperson of the Regulator) : Time the slides will be made available.

267

00:45:08.460 --> 00:45:10.920  
Adv Tlakula (Chairperson of the Regulator) : I can, can you please summarize, because we have lots.

268

00:45:10.920 --> 00:45:12.240  
Adv Tlakula (Chairperson of the Regulator) : of questions coming up.

269

00:45:13.230 --> 00:45:13.710  
Please.

270

00:45:17.760 --> 00:45:18.540  
L Makhubela: Senior Manager: POPIA: Thank you check.

271  
00:45:19.470 --> 00:45:23.490  
L Makhubela: Senior Manager: POPIA: Let me quickly then touch one.

272  
00:45:27.930 --> 00:45:32.970  
L Makhubela: Senior Manager: POPIA: Section as like 18 a just to indicate that.

273  
00:45:33.990 --> 00:45:50.640  
L Makhubela: Senior Manager: POPIA: Has parties are now allowed to much compliance with the regulator, these are the things that we can do we do when we receive a complaint in terms of Section 76, that is to conduct the investigation.

274  
00:45:52.110 --> 00:46:01.200  
L Makhubela: Senior Manager: POPIA: Or to act as a conciliator to decided to take note it in, and we can also conduct a full investigation.

275  
00:46:02.550 --> 00:46:07.410  
L Makhubela: Senior Manager: POPIA: Of the complaint otter fed that to the enforcement committee.

276  
00:46:09.390 --> 00:46:11.340  
L Makhubela: Senior Manager: POPIA: Lastly, chair.

277  
00:46:20.220 --> 00:46:26.820  
L Makhubela: Senior Manager: POPIA: This is already touched on the is put into I can talk to slide.

278  
00:46:28.290 --> 00:46:29.430  
L Makhubela: Senior Manager: POPIA: 23.

279  
00:46:31.800 --> 00:46:34.590  
L Makhubela: Senior Manager: POPIA: And just to emphasize the fact that.

280  
00:46:35.670 --> 00:46:35.940  
L Makhubela: Senior Manager: POPIA: We.

281  
00:46:37.290 --> 00:46:39.600



L Makhubela: Senior Manager: POPIA: can be imposed by the regulator.

282

00:46:41.370 --> 00:46:49.890

L Makhubela: Senior Manager: POPIA: Any personal contravenes sections under 26 of puppies commit an offense an example may be an.

283

00:46:51.030 --> 00:47:02.370

L Makhubela: Senior Manager: POPIA: abstraction of direct later the breach of confidentiality or failure to comply with an enforcement notice the contract vision of certain sections.

284

00:47:03.540 --> 00:47:19.260

L Makhubela: Senior Manager: POPIA: attracts a sentence, for example, a failure to comply with an enforcement notice attract a fine or imprisonment for a period not exceeding 10 years or both a fine and such in prison in.

285

00:47:20.370 --> 00:47:23.670

L Makhubela: Senior Manager: POPIA: The last In conclusion, a chair.

286

00:47:24.750 --> 00:47:32.430

L Makhubela: Senior Manager: POPIA: A puppy is here to stay and the regulator has been encouraged comply with his provisions even.

287

00:47:33.750 --> 00:47:37.980

L Makhubela: Senior Manager: POPIA: For and before it became a fully operational.

288

00:47:39.060 --> 00:47:43.050

L Makhubela: Senior Manager: POPIA: In addition to the offenses and administrative files they do.

289

00:47:45.750 --> 00:47:55.020

L Makhubela: Senior Manager: POPIA: noncompliance will reside within an organization, I will conclude by saying that, just to maybe the bank or demystified the.

290

00:47:58.110 --> 00:48:04.410

L Makhubela: Senior Manager: POPIA: kitchen with a gotcha

enforcement powers to emphasize the fact that enforcement powers.

291

00:48:06.090 --> 00:48:17.100

L Makhubela: Senior Manager: POPIA: The from the first of July 20 applies to the physician as contemplated in section 57 and 58 of puppy I think each episode.

292

00:48:20.580 --> 00:48:28.110

Adv Tlakula (Chairperson of the Regulator) : Thank you, Mr Malcolm Bella your sound, I think it was a problematic but i'm hoping that.

293

00:48:28.440 --> 00:48:29.850

L Makhubela: Senior Manager: POPIA: Because we going to be.

294

00:48:30.720 --> 00:48:34.650

Adv Tlakula (Chairperson of the Regulator) : circulating the presentations that.

295

00:48:35.850 --> 00:48:40.710

Adv Tlakula (Chairperson of the Regulator) : You know, people will then get the gist of the entirety of his presentation.

296

00:48:41.970 --> 00:48:51.390

Adv Tlakula (Chairperson of the Regulator) : In the in the slides that will be circulated can I jump quickly to professor's relay Let me also say that we forgot to introduce miss.

297

00:48:51.960 --> 00:49:06.990

Adv Tlakula (Chairperson of the Regulator) : Rama someone I don't know if she can unmuted video miss Rama someone is our chief information officer that's possible for it a she joined us.

298

00:49:07.650 --> 00:49:24.390

Adv Tlakula (Chairperson of the Regulator) : In in I think in June this room someone I see there are lots of questions pertaining to the portal which you will have to deal with, can I immediately hand over to Professor Snape invested in but to take the Q amp a thank you.

299

00:49:27.390 --> 00:49:29.100

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Thank you very much, chairperson.

300

00:49:30.240 --> 00:49:33.750

Prof Sizwe Snail ka Mtuze ( Part Time Member ): A good morning to everyone, thank you for attending.

301

00:49:35.250 --> 00:49:54.780

Prof Sizwe Snail ka Mtuze ( Part Time Member ): This webinar there is a wide number of questions and and myself, and with the Denver will be facilitating answering this question, I see here, this is a question from the information officers association.

302

00:49:56.040 --> 00:50:20.460

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Is it reasonable to expect them for you to make requests to an information, who is also an employee possibly a senior manager in the organization i'm not sure what the question is the friggin just asked information association to just really send that question I think there's a mistake.

303

00:50:21.570 --> 00:50:39.480

Prof Sizwe Snail ka Mtuze ( Part Time Member ): They have here Christian for Anton dreher what is the process of amending the I assume the registration of the information office and can I ask a CIO to to kindly answer that question.

304

00:50:53.820 --> 00:50:54.480

Ms Vuyiswa Ramosangoana : CIO : emissions.

305

00:50:55.710 --> 00:50:58.080

Adv Tlakula (Chairperson of the Regulator) : hear you your side, I would request that.

306

00:50:58.290 --> 00:50:58.650

The.

307

00:51:00.030 --> 00:51:00.810

Adv Tlakula (Chairperson of the Regulator) : Sound is very.

308

00:51:02.130 --> 00:51:03.060

Adv Tlakula (Chairperson of the Regulator) : Something please.

309

00:51:15.270 --> 00:51:16.200

Ms Vuyiswa Ramosangoana : CIO : Thank you so much.

310

00:51:19.230 --> 00:51:37.290

Ms Vuyiswa Ramosangoana : CIO : to please send us an email through administration, or is it just says i've got a with the reference number that the current bond the registration certificate that was already issued the make the necessary amends some.

311

00:51:42.150 --> 00:51:51.540

Prof Sizwe Snail ka Mtuze ( Part Time Member ): yeah unfortunately the collections, but also hopefully you'll be getting a better connection later, and I see there's another quick question.

312

00:51:52.230 --> 00:52:05.640

Prof Sizwe Snail ka Mtuze ( Part Time Member ): From the tourney massing missing yeah that's totally missing gap is this presentation available for download we we will try and make the presentation available.

313

00:52:06.090 --> 00:52:29.850

Prof Sizwe Snail ka Mtuze ( Part Time Member ): I see the question from the information officer association has been retired Is it reasonable to expect an employee to make requests and information officer, who is also an employee possibly a senior manager within the organization, may I ask Mr massey to answer that.

314

00:52:35.100 --> 00:52:38.190

Mr Nemasisi (Executive: PAIA): Thank you so much that's very.

315

00:52:39.240 --> 00:52:53.250

Mr Nemasisi (Executive: PAIA): tricky question, but if you look at the Constitution, you find that it says, everyone has the right to have access to information so everyone will include any person can ask if the employee record that information.

316

00:52:54.630 --> 00:53:03.840

Mr Nemasisi (Executive: PAIA): For to exercise will protect their human rights they have to request that information, the Constitution guarantee that everyone, it was scheduled whether it's in lawyer or not.

317

00:53:04.650 --> 00:53:18.270

Mr Nemasisi (Executive: PAIA): If it's like I indicated if it's a private body, obviously, you need to indicate what rights are you going to exercise or protect, but if it's a public body, you do not have to disclose their eyes, let you go to protect but that right it's given to everyone, thank you for.

318

00:53:20.220 --> 00:53:34.710

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Thank you, Mr and Mrs before I give over to my co host of the session, I just want to read, one of the questions that came in touch it, it says as churches.

319

00:53:35.820 --> 00:53:42.210

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Do churches have to comply with fire and make a manual available.

320

00:53:44.070 --> 00:53:58.230

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Mr numbers busy i'm happy to answer part of it, to mention that you know it, it would be special personal information and that awesome sections in terms of the.

321

00:53:59.280 --> 00:54:20.190

Prof Sizwe Snail ka Mtuze ( Part Time Member ): way by the church and you know the employees of the church within the parameters of the activities of the church when they would be allowed to deal with special personal information, but after the manual i'll defer that question to us than a mustard seed and then over to Mr Dean.

322

00:54:22.140 --> 00:54:22.470

Mr Nemasisi (Executive: PAIA): Thank you.

323

00:54:23.790 --> 00:54:33.390

Mr Nemasisi (Executive: PAIA): Obviously the each the question that we need to ask it whether the change falls under the category of those private board is that are may be exempted.

324

00:54:34.080 --> 00:54:41.130

Mr Nemasisi (Executive: PAIA): If they do not fall under those categories, then obviously they will have to have a manual and we need to bear in mind to say.

325

00:54:41.520 --> 00:54:52.080

Mr Nemasisi (Executive: PAIA): If the church create records and there might be certain people who may hire those records to exercise or protect them right, so the manual is intended to facilitate.

326

00:54:52.470 --> 00:54:59.850

Mr Nemasisi (Executive: PAIA): Accessibility of the records people should be able to know what kind of the course do they have, especially now that this amendment of papaya.

327

00:55:00.420 --> 00:55:05.940

Mr Nemasisi (Executive: PAIA): which include the processing of personal information, the public may want to know whether, if they.

328

00:55:06.390 --> 00:55:13.080

Mr Nemasisi (Executive: PAIA): The BAT change process that personal information and whether they're good sense for those personal information outside the country.

329

00:55:13.350 --> 00:55:21.060

Mr Nemasisi (Executive: PAIA): And those information can only be available through the manual so but from the tree general 2022 as we indicated every.

330

00:55:21.810 --> 00:55:34.530

Mr Nemasisi (Executive: PAIA): person whether it's national climate body move process obviously or keep an eye because they would have to have those manual tools, so that the public is the accessibility of the records, thank you for.

331

00:55:38.940 --> 00:55:40.290

Mukelani Dimba (Executive: Education & Comms): That Thank you Mr.

332

00:55:40.560 --> 00:55:42.690

Mukelani Dimba (Executive: Education & Comms): SEC, I do have.

333

00:55:42.720 --> 00:55:46.320

Mukelani Dimba (Executive: Education & Comms): Two questions related to prior authorization.

334

00:55:47.640 --> 00:55:58.740

Mukelani Dimba (Executive: Education & Comms): For for Mr McClaren The first one is kinda responsible party continue to process as more information, while waiting for the regulator to respond.

335

00:55:59.160 --> 00:56:15.510

Mukelani Dimba (Executive: Education & Comms): On a prior authorization application that's, the first question, the second one asks under which circumstances are private entities required to request prior authorization to process personal information.

336

00:56:23.460 --> 00:56:23.880

L Makhubela: Senior Manager: POPIA: Thanks.

337

00:56:26.190 --> 00:56:40.950

L Makhubela: Senior Manager: POPIA: As i've indicated that the grace period has been extended to next year February, yes, they can, in the meantime, they cannot information.

338

00:56:47.250 --> 00:56:52.980

L Makhubela: Senior Manager: POPIA: What we normally call prescription, it will start running from the fast of fabric.

339

00:56:54.360 --> 00:56:57.420

L Makhubela: Senior Manager: POPIA: Granted, during the true so, which means from.

340

00:56:59.340 --> 00:57:14.850

L Makhubela: Senior Manager: POPIA: The first of February 2020 true once that there is an application received a letter four weeks as the regulator to look at it and determine whether its massive be approved or not, or whether it must be.

341

00:57:16.320 --> 00:57:19.950

L Makhubela: Senior Manager: POPIA: referred to a detailed investigation.

342

00:57:21.720 --> 00:57:22.200

L Makhubela: Senior Manager: POPIA: As.

343

00:57:26.070 --> 00:57:27.180

L Makhubela: Senior Manager: POPIA: already indicated.

344  
00:57:34.110 --> 00:57:35.220  
Mukelani Dimba (Executive: Education & Comms): The answer is that.

345  
00:57:43.680 --> 00:57:45.090  
Adv Tlakula (Chairperson of the Regulator) : beg your pardon, Mr.

346  
00:57:45.120 --> 00:57:49.950  
Adv Tlakula (Chairperson of the Regulator) : Mr Michael Viola, your line is very bad Can someone answer that question.

347  
00:57:49.950 --> 00:57:51.030  
Adv Tlakula (Chairperson of the Regulator) : Please, because I think.

348  
00:57:51.240 --> 00:57:51.780  
L Makhubela: Senior Manager: POPIA: It is pretty.

349  
00:57:52.560 --> 00:57:53.790  
Adv Tlakula (Chairperson of the Regulator) : leveling to hear him.

350  
00:57:53.820 --> 00:57:56.040  
Adv Tlakula (Chairperson of the Regulator) : Can someone take the the question on.

351  
00:57:57.000 --> 00:57:57.660  
L Makhubela: Senior Manager: POPIA: It with that.

352  
00:57:57.720 --> 00:57:58.890  
Adv Tlakula (Chairperson of the Regulator) : Because we can hear in.

353  
00:58:00.720 --> 00:58:02.160  
processing activities.

354  
00:58:03.270 --> 00:58:05.370  
L Makhubela: Senior Manager: POPIA: With regard to the second one this with.

355



00:58:06.900 --> 00:58:09.000

L Makhubela: Senior Manager: POPIA: What, for now, yes, they can continue.

356

00:58:13.680 --> 00:58:19.950

Mukelani Dimba (Executive: Education & Comms): That that's alarmist know committed to sort out his line missing a message to you want to weigh in on this question is.

357

00:58:19.980 --> 00:58:26.460

Mr Nemasisi (Executive: PAIA): Our did to take in the one with guiding whether what happens when the application is being considered for profit division.

358

00:58:26.880 --> 00:58:28.080

Mr Nemasisi (Executive: PAIA): So station 58.

359

00:58:28.080 --> 00:58:37.590

Mr Nemasisi (Executive: PAIA): To into the quiet they're responsible parties that notify the regulator that they're processing fall under a politician immediately will then notify us.

360

00:58:37.980 --> 00:58:44.730

Mr Nemasisi (Executive: PAIA): In terms if that section was effective, in other words, if there was no extension of that you have back.

361

00:58:45.150 --> 00:58:55.230

Mr Nemasisi (Executive: PAIA): To February 2022 those responsible party would have been required to suspend process a little personal information until the regulator make a determination application.

362

00:58:55.590 --> 00:59:01.770

Mr Nemasisi (Executive: PAIA): Now that the effective date of that section 52 has now been moved to the February 2022.

363

00:59:02.610 --> 00:59:10.830

Mr Nemasisi (Executive: PAIA): They do not have to suspend the processing, so they would continue processing that as much information, but it does not mean that the order to comply with the eight conditions.

364

00:59:11.220 --> 00:59:17.970

Mr Nemasisi (Executive: PAIA): So they still have to be required to comply with the eight condition for lawful personal personally information, but they will process those.

365

00:59:18.480 --> 00:59:27.900

Mr Nemasisi (Executive: PAIA): personal information, the regulator's processing those applications, so they will they will get an outcome of the applications at between now and February 2022.

366

00:59:28.170 --> 00:59:37.200

Mr Nemasisi (Executive: PAIA): And once they get the outcome, it is not authorized, it means they will have obviously have to stop the processing, because they are processing will not have been authorized by the regulate Thank you.

367

00:59:39.900 --> 00:59:41.160

Mukelani Dimba (Executive: Education & Comms): Thank you, Mr Ms CC.

368

00:59:42.150 --> 00:59:43.260

Mukelani Dimba (Executive: Education & Comms): Why do you hold.

369

00:59:43.710 --> 00:59:51.450

Mukelani Dimba (Executive: Education & Comms): The flow, we are fielding a lot of question questions around designation of information officers, I know that you have.

370

00:59:53.160 --> 00:59:59.610

Mukelani Dimba (Executive: Education & Comms): To fair to this in your area presentation, but can we visit the area, once more, just to be sure.

371

01:00:00.150 --> 01:00:15.510

Mukelani Dimba (Executive: Education & Comms): So kind of managing agent of in state be appointed as an information officer that's, the first question, the related question is, do schools, also have to appoint and register information officers.

372

01:00:16.230 --> 01:00:36.300

Mukelani Dimba (Executive: Education & Comms): And last one related to to those two is kind of information officer, be an

external third party and just reiterate the points that you made on your presentation and i'll also ask miss tilly to to to add on the responses thanks Mr Mrs.

373

01:00:36.930 --> 01:00:41.310

Mr Nemasisi (Executive: PAIA): Thank you, Mr edema the obviously the information of it says.

374

01:00:42.420 --> 01:00:54.750

Mr Nemasisi (Executive: PAIA): They schools, the due process personal information and have children, specifically even have patterns, some of the schools, obviously, you need they need to record of their parents at some schools, they need even there are.

375

01:00:55.350 --> 01:01:03.090

Mr Nemasisi (Executive: PAIA): punishable records, where do you stay your financial records the names of department So those are personal information that are being processed.

376

01:01:03.330 --> 01:01:15.210

Mr Nemasisi (Executive: PAIA): And if you look at the definition of Western responsible parties to school does fall under the definition of responsible party, so the school the school need to register their own information officer in this regard, I have not.

377

01:01:15.780 --> 01:01:21.450

Mr Nemasisi (Executive: PAIA): Do the analysis of who's the information or xander school but i'll assume to please Allah will be the information officer.

378

01:01:21.780 --> 01:01:30.570

Mr Nemasisi (Executive: PAIA): I have not, this is not the official announcement, with the information, of course, we have done such an assessment as to qualifies that information officer.

379

01:01:30.930 --> 01:01:37.050

Mr Nemasisi (Executive: PAIA): But the head of that school will be the information officer and then instability start with the with the regulator.

380

01:01:37.440 --> 01:01:47.100

Mr Nemasisi (Executive: PAIA): This question about the Managing

agent of the body cooperates these questions it's a village calculation, the Managing agent, most of the time you find that it's actually a company.

381

01:01:47.970 --> 01:02:00.930

Mr Nemasisi (Executive: PAIA): That process personal information so that company that was abysmal information is on its own right, as responsible party, and it is required to register its own information officer.

382

01:02:01.410 --> 01:02:04.140

Mr Nemasisi (Executive: PAIA): But a body completes can Sue and hits me.

383

01:02:04.710 --> 01:02:14.310

Mr Nemasisi (Executive: PAIA): and therefore it does have a chairperson of that political plate, and the managers, so the body companies must appoint their own information or is it because political political process.

384

01:02:14.640 --> 01:02:28.620

Mr Nemasisi (Executive: PAIA): an agent is acting on behalf of your body company, but it's actually in the responsible party on its own name, so the body complete themselves they've got an obligation to each other, protection of the personal information that they possess everybody coverage.

385

01:02:29.040 --> 01:02:38.040

Mr Nemasisi (Executive: PAIA): So there is a distinction between managing agent, as well as the body corporate So those are the distinction that we may provide Thank you.

386

01:02:39.390 --> 01:02:44.880

Mukelani Dimba (Executive: Education & Comms): Thank you, Mr Mrs miss tilly can the chairperson of a body corporate.

387

01:02:45.930 --> 01:02:51.930

Mukelani Dimba (Executive: Education & Comms): designate somebody else to exercise this responsibility as information officer.

388

01:02:53.220 --> 01:03:07.560

Ms Tilley (Part time member) : If this is something we've had an extensive discussion about, and you know, the question is perhaps more broadly as a as an as an information officer as a CEO.

389

01:03:08.700 --> 01:03:13.530

Ms Tilley (Part time member) : Can you can you outsource effectively or your role.

390

01:03:14.910 --> 01:03:21.600

Ms Tilley (Part time member) : And I think what we need to be clear about is that the.

391

01:03:22.890 --> 01:03:41.940

Ms Tilley (Part time member) : You cannot outsource your your role to a jurist person, so, in other words, if I want to be the Chair of the board or in in that situation is, Chair of the body corporate and I can't go to.

392

01:03:43.230 --> 01:03:49.800

Ms Tilley (Part time member) : ABC management Management Agency PT while limited and ask them to be the information officer.

393

01:03:51.000 --> 01:03:53.340

Ms Tilley (Part time member) : I can appoint a person.

394

01:03:54.900 --> 01:03:58.830

Ms Tilley (Part time member) : To bb bb information officer.

395

01:04:00.090 --> 01:04:15.300

Ms Tilley (Part time member) : But but it's it's really restricted an acrobat and we have got an we have taken a legal opinion on this on this question, so that that the the way the the legal opinion has has product.

396

01:04:16.920 --> 01:04:17.280

Mukelani Dimba (Executive: Education & Comms): Thank you.

397

01:04:18.030 --> 01:04:18.660

Mukelani Dimba (Executive: Education & Comms): christy.

398

01:04:19.350 --> 01:04:21.450

Mukelani Dimba (Executive: Education & Comms): Professor snail we also got a.

399

01:04:21.480 --> 01:04:28.650

Mukelani Dimba (Executive: Education & Comms): Few questions regarding social media use and how it applies in those instances, you want to.

400

01:04:29.820 --> 01:04:31.200

Mukelani Dimba (Executive: Education & Comms): weigh in on those.

401

01:04:32.670 --> 01:04:35.400

Prof Sizwe Snail ka Mtuze ( Part Time Member ): yeah i'm just looking at yeah.

402

01:04:35.790 --> 01:04:37.260

Mukelani Dimba (Executive: Education & Comms): I mean Caribbean for you.

403

01:04:37.770 --> 01:04:39.750

Prof Sizwe Snail ka Mtuze ( Part Time Member ): yeah I was actually reading one.

404

01:04:41.970 --> 01:05:05.040

Prof Sizwe Snail ka Mtuze ( Part Time Member ): From the information officers association, so let me ask this one, and then you can ask that one and Okay, if it is, is a personal information impact assessment in terms of regulation for one D is that a prerequisite to submitting a request for prior authorization.

405

01:05:06.600 --> 01:05:07.680

Prof Sizwe Snail ka Mtuze ( Part Time Member ): I think I asked.

406

01:05:09.690 --> 01:05:13.350

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Mr and Mrs or miss a lot of this one earlier.

407

01:05:16.200 --> 01:05:27.720

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis: i'll take it, I don't think that a personal information impact assessment is a prerequisite to to submitting an application for prior authorization.

408

01:05:27.750 --> 01:05:38.760

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:

If that is the question i'm not sure if I got it if that is a question, please just confirm if it is and that's not a that's not a prerequisite, however, and.

409

01:05:39.720 --> 01:05:52.500

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis: Preparing a personal information impact assessment would be a preferable to in trying to ascertain the kind of security or the kind of compliance, you have as an entity.

410

01:05:53.250 --> 01:06:02.880

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis: would prepare, so I think conducting a personal information impact assessment is is a necessary tool but it's not a prerequisite for a prior authorization application.

411

01:06:03.300 --> 01:06:17.490

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis: And so, too, would be ensuring that you have a compliance framework because these two tools will will assist you in trying to ascertain where you are as an entity related to compliance thanks.

412

01:06:20.040 --> 01:06:21.480

Prof Sizwe Snail ka Mtuze ( Part Time Member ): You want to ask that person.

413

01:06:23.160 --> 01:06:23.430

Mukelani Dimba (Executive: Education & Comms): Yes.

414

01:06:25.890 --> 01:06:39.510

Mukelani Dimba (Executive: Education & Comms): The question reads will I, as an individual be in contravention of appear if I share social media, so if I share personal details of my friend, or a person I know on social media.

415

01:06:40.260 --> 01:06:54.120

Mukelani Dimba (Executive: Education & Comms): And or to another person without their permission, will I will find or sent to prison that that's the first one, the second one is do what's up administrators need to comply with pm.

416

01:06:55.740 --> 01:07:04.590

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Thank you very

much, yes, I think the first question is is relatively straightforward one looks at the definition of a school of fish.

417

01:07:05.370 --> 01:07:24.420

Prof Sizwe Snail ka Mtuze ( Part Time Member ): It would include online identifiers email addresses telephone numbers and any other you know unique identifier that identifies so if if someone is sharing your personal information on the Internet and even prior to.

418

01:07:25.440 --> 01:07:45.210

Prof Sizwe Snail ka Mtuze ( Part Time Member ): You wouldn't be able to pull quote and possibly getting into the into this, so if they is this unlawful an offer us sharing taking place, and then you would be able to complain, with the regular now regarding the administrator.

419

01:07:46.230 --> 01:07:50.010

Prof Sizwe Snail ka Mtuze ( Part Time Member ): And I think it's not just the whatsapp administrator that hey.

420

01:07:51.150 --> 01:07:58.140

Prof Sizwe Snail ka Mtuze ( Part Time Member ): I think it's also the users on the group, and there is some inflammation going.

421

01:07:58.170 --> 01:08:21.300

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Around about people having to agree to a disclaimer on a whatsapp group there are various schools of thought on that and and the regulator's gets to issue a a formal position regarding whatsapp and and these so called whatsapp disclaimers I think i've answered.

422

01:08:26.070 --> 01:08:26.370

Mukelani Dimba (Executive: Education & Comms): Thank you.

423

01:08:27.210 --> 01:08:39.150

Mukelani Dimba (Executive: Education & Comms): i'm out or like to give an opportunity to participants on the chat I see Mr loitering has had his hand up for a while now, Mr loitering.

424

01:08:41.160 --> 01:08:43.140

Mukelani Dimba (Executive: Education & Comms): please feel free to ask your question.



425

01:08:49.380 --> 01:08:50.730

Mukelani Dimba (Executive: Education & Comms): You can unmute yourself.

426

01:08:52.350 --> 01:08:53.040

Mukelani Dimba (Executive: Education & Comms): And then ask.

427

01:09:06.960 --> 01:09:16.950

Mukelani Dimba (Executive: Education & Comms): It doesn't appear as it's lowering is struggling to to unmute himself, while we try and work on that do you have more questions from the chat.

428

01:09:20.190 --> 01:09:20.460

Ms Tilley (Part time member) : I want.

429

01:09:21.300 --> 01:09:23.040

Ms Tilley (Part time member) : That, I want to.

430

01:09:24.150 --> 01:09:28.830

Ms Tilley (Part time member) : Just to them and props now, if I might just weigh in on that on the question of.

431

01:09:30.000 --> 01:09:34.200

Ms Tilley (Part time member) : what's happened and social media and there's a specific.

432

01:09:35.850 --> 01:09:41.190

Ms Tilley (Part time member) : issue which, which is dealt with within copia, which is about households processes.

433

01:09:42.840 --> 01:09:45.450

Ms Tilley (Part time member) : And it's selfless as an exemption.

434

01:09:46.680 --> 01:09:53.910

Ms Tilley (Part time member) : So I think that the people are concerned, the say in their you know their home amongst their friends.

435

01:09:55.980 --> 01:09:59.820

Ms Tilley (Part time member) : Sharing information of that that's actually built with.

436

01:10:00.900 --> 01:10:14.700

Ms Tilley (Part time member) : In the in the legislation is still as an exemption, and so I think you know that's really not the intent of the legislation to deal with with that kind of processing.

437

01:10:16.050 --> 01:10:20.460

Ms Tilley (Part time member) : What what we're really interested in is is big data sets.

438

01:10:21.570 --> 01:10:22.860

Ms Tilley (Part time member) : being used.

439

01:10:23.970 --> 01:10:25.050

Ms Tilley (Part time member) : put together.

440

01:10:26.130 --> 01:10:36.600

Ms Tilley (Part time member) : New information effectively been generated about individuals and then that being used in a way against individuals that to their detriment.

441

01:10:37.410 --> 01:10:51.960

Ms Tilley (Part time member) : So you know if if you sharing a photograph of your cousin on your Facebook page or you're sending your mother's cell phone number to your.

442

01:10:52.530 --> 01:11:03.720

Ms Tilley (Part time member) : sister that that's that's helpful process and falls outside outside the legislation and and you know that's something not definitely not to worry about.

443

01:11:08.160 --> 01:11:09.210

Mukelani Dimba (Executive: Education & Comms): Thank Thank you Steve.

444

01:11:10.770 --> 01:11:26.610

Mukelani Dimba (Executive: Education & Comms): we're going to try again and allow allow participants to ask questions directly of the panel seem miss Marietta main his hand up for a while, as Mayor, would you like to ask your question.

445

01:11:38.250 --> 01:11:38.700  
Marieta Meyer: Hello.

446  
01:11:39.450 --> 01:11:40.560  
Mukelani Dimba (Executive: Education & Comms): You have the floor mismatch.

447  
01:11:41.040 --> 01:11:44.790  
Marieta Meyer: Now sorry if it was a mistake, you can ignore you can ignore.

448  
01:11:45.240 --> 01:11:47.310  
Mukelani Dimba (Executive: Education & Comms): Okay that's that's perfectly fine.

449  
01:11:47.700 --> 01:12:05.910  
Mukelani Dimba (Executive: Education & Comms): Okay Okay, that is a question from Bob Bob who is asking, will the regulator hold operators accountable, should there be a breach in their environment and the responsible party contracted with an operator to be pci compliant.

450  
01:12:16.500 --> 01:12:19.710  
Mukelani Dimba (Executive: Education & Comms): Can anyone from the panel take that one.

451  
01:12:24.510 --> 01:12:32.250  
Mukelani Dimba (Executive: Education & Comms): Well, the regulator hold operators accountable, should there be a breach in their environment and the responsible party contract it.

452  
01:12:36.450 --> 01:12:37.920  
Prof Sizwe Snail ka Mtuze ( Part Time Member ): We track that one of.

453  
01:12:38.700 --> 01:12:53.400  
Prof Sizwe Snail ka Mtuze ( Part Time Member ): The things that I think since people here is not fully effective and slow and, obviously, if they are data breaches number one, they are not reportable number two.

454  
01:12:54.690 --> 01:13:16.800  
Prof Sizwe Snail ka Mtuze ( Part Time Member ): If it does seem

like it was some form of negligence or or non compliance on the part of quality related would have to take it further and and possibly look at at fines and other form of of redress if there was some form of negligence.

455

01:13:18.390 --> 01:13:20.010

Prof Sizwe Snail ka Mtuze ( Part Time Member ): I hope that answers the side.

456

01:13:22.530 --> 01:13:22.800

Mukelani Dimba (Executive: Education & Comms): Thank you.

457

01:13:25.500 --> 01:13:30.660

Mukelani Dimba (Executive: Education & Comms): Another question that I would like to put to miss you loud as loud as a question.

458

01:13:31.740 --> 01:13:44.610

Mukelani Dimba (Executive: Education & Comms): asking about recruitment companies, it says, I want to find out if a company or a recruitment agency phones in to confirm information and an ex employee that is applying for a job.

459

01:13:45.180 --> 01:13:53.700

Mukelani Dimba (Executive: Education & Comms): What information are we allowed to give to this company and the same to a bank or company, where the employee applies for credit.

460

01:13:58.860 --> 01:13:59.460

Mukelani Dimba (Executive: Education & Comms): slow.

461

01:13:59.910 --> 01:14:02.940

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis: Yes, Mr Jimmy can you just repeat that, for me, please.

462

01:14:03.720 --> 01:14:04.050

Mukelani Dimba (Executive: Education & Comms): Okay.

463

01:14:04.110 --> 01:14:24.090

Mukelani Dimba (Executive: Education & Comms): It says, I want to find out if a company or a recruitment agency phones in to confirm information on an ex employee that is applying for a job working for Commission, are we allowed to give to this company and the same to a bank or a company, where an employee applies

for credit.

464

01:14:26.370 --> 01:14:34.290

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
And I think it's going to depend on if you're applying for  
credits, then, in all probability, you would have signed the  
necessary consents.

465

01:14:34.800 --> 01:14:37.290

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
And i'm assuming that you'd be able to.

466

01:14:37.650 --> 01:14:46.260

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
And that would be one of the providers that banks would ensure  
that this compliance and regarding regarding with.

467

01:14:47.010 --> 01:15:00.510

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
Applications for jobs, I know that there already are consents  
that when you apply for a position, you would have to render some  
form of consent to access your personal information or to verify  
your referees.

468

01:15:00.960 --> 01:15:06.420

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
And that's that's what i'm aware of thanks, but content is so  
good to be critical, thank you.

469

01:15:08.670 --> 01:15:09.660

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
Thanks, Mr bell.

470

01:15:10.410 --> 01:15:11.910

Mukelani Dimba (Executive: Education & Comms): Professor for this  
now.

471

01:15:13.290 --> 01:15:14.550

Mukelani Dimba (Executive: Education & Comms): If you've got more  
in your school.

472

01:15:14.550 --> 01:15:14.910

yeah.

473

01:15:17.790 --> 01:15:18.420

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Yes, um yeah.

474

01:15:19.140 --> 01:15:20.700

Mukelani Dimba (Executive: Education & Comms): We have more questions on your side.

475

01:15:21.900 --> 01:15:25.500

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Yes, I see there's another question here from.

476

01:15:26.670 --> 01:15:38.190

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Is milad skipping my camera off my connection is not degrade lizard militaria from Africa skills college, with the aid office door.

477

01:15:38.940 --> 01:16:00.240

Prof Sizwe Snail ka Mtuze ( Part Time Member ): I have in various occasion our company registration form, I O and to appointment that does, as well as our manual and privacy policy, my question is as far as the total is both i've emailed all are relevant to mention, when will you be able.

478

01:16:01.560 --> 01:16:12.060

Prof Sizwe Snail ka Mtuze ( Part Time Member ): to acknowledge receipt of same and when are you planning to have the portal up again, please, and thank you very much, can refer that question to us yeah.

479

01:16:16.530 --> 01:16:17.700

Ms Vuyiswa Ramosangoana : CIO : Thank you so much proof.

480

01:16:19.410 --> 01:16:24.480

Ms Vuyiswa Ramosangoana : CIO : We are currently busy processing all the applications that I received via email.

481

01:16:25.740 --> 01:16:35.550

Ms Vuyiswa Ramosangoana : CIO : We do send acknowledgement once we have process to the application so soon we will be sending an acknowledgement and we get to that application.

482

01:16:36.270 --> 01:16:45.360

Ms Vuyiswa Ramosangoana : CIO : In terms of the registration portal, we are in the process of revamping and redefining the registration portal, as you may be aware.

483

01:16:45.930 --> 01:16:54.870

Ms Vuyiswa Ramosangoana : CIO : There was a lot of technical issues and errors with the portal, so we are trying to address all of this with with with the with the revamped system.

484

01:16:55.650 --> 01:17:05.040

Ms Vuyiswa Ramosangoana : CIO : Once the system is up and running our communications department will then issue communication on the different communication platforms, thank you, thank you.

485

01:17:09.180 --> 01:17:23.280

Prof Sizwe Snail ka Mtuze ( Part Time Member ): And you say Oh, then we have a question here from a more a more says, I have to agree with Lola tyndale that the ir consider.

486

01:17:24.210 --> 01:17:37.680

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Taking a detailed approach to direct market appear as often same driven and if the ir stipulates that consent must be obtained first, this is clearly not in line.

487

01:17:38.100 --> 01:17:50.430

Prof Sizwe Snail ka Mtuze ( Part Time Member ): or nonsensical email spam that has been going around about functionality if consent, has been obtained pride yeah consent exists, and surely seeking consent of fresh.

488

01:17:51.180 --> 01:18:02.550

Prof Sizwe Snail ka Mtuze ( Part Time Member ): would not be required by legislation I think before I allow one of my colleagues answer this one, I think, Section 69 is a beautiful piece of legislation.

489

01:18:03.240 --> 01:18:15.030

Prof Sizwe Snail ka Mtuze ( Part Time Member ): That means the section sorry section 69 talks about prior consent, having been obtained and, obviously, where you have obtained consent previously and.

490

01:18:15.540 --> 01:18:28.260  
Prof Sizwe Snail ka Mtuze ( Part Time Member ): When you are a customer of of irresponsible party that will appear not require you to seek consent fresh and yes i've seen these emails I mean.

491  
01:18:28.590 --> 01:18:40.710  
Prof Sizwe Snail ka Mtuze ( Part Time Member ): from suppliers from very big companies, they are basically trying to not want to opt in again out I think people were going on the cautious side.

492  
01:18:41.970 --> 01:18:46.080  
Prof Sizwe Snail ka Mtuze ( Part Time Member ): You know when you're not too sure in terms of compliance what to do.

493  
01:18:46.620 --> 01:18:58.830  
Prof Sizwe Snail ka Mtuze ( Part Time Member ): From for the attorneys perspective, you will always advise a client the other safe side, send out mail time get the percentage in and I absolutely agree, and if you are a present estimate.

494  
01:18:59.370 --> 01:19:07.260  
Prof Sizwe Snail ka Mtuze ( Part Time Member ): And there shouldn't be necessarily another reason to get further consent, and I know which public would like to weigh in on this.

495  
01:19:09.690 --> 01:19:27.960  
Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis: And I think, maybe I just want to add process now that if, if you have yes definitely if it's an existing customer you don't need to require consent, but for new customers consent is required so so you can't circumvent that thanks.

496  
01:19:47.430 --> 01:19:48.030  
Prof Sizwe Snail ka Mtuze ( Part Time Member ): Yes.

497  
01:19:49.260 --> 01:19:52.290  
Prof Sizwe Snail ka Mtuze ( Part Time Member ): I see there's another question here by anonymous.

498  
01:19:54.270 --> 01:20:12.330  
Prof Sizwe Snail ka Mtuze ( Part Time Member ): anonymous saying would capturing have a reference by job applicant would that on to an e portal would that constitute a contravention of the copia.



499

01:20:13.320 --> 01:20:27.990

Prof Sizwe Snail ka Mtuze ( Part Time Member ): that's an interesting question but as interesting as it is right and usually these electronic recruit portals people agreed to be part of them.

500

01:20:28.500 --> 01:20:41.340

Prof Sizwe Snail ka Mtuze ( Part Time Member ): People usually upload their personal information themselves so it's it's a very, very thin line, and you know it's a it's an area that has to be explored properly yet.

501

01:20:41.700 --> 01:20:48.060

Prof Sizwe Snail ka Mtuze ( Part Time Member ): And I think the regulator will have to test it in terms of you know to what extent.

502

01:20:48.480 --> 01:21:07.200

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Can he recruitment companies place your personal information, as well as that, as referees on their websites I think it's the new terrain that needs to be explored and I don't think this platform, right now, can can answer the question and it's still valid.

503

01:21:08.400 --> 01:21:09.210

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Mr Denver.

504

01:21:09.360 --> 01:21:11.970

Prof Sizwe Snail ka Mtuze ( Part Time Member ): and any questions adjusting from social media.

505

01:21:13.590 --> 01:21:16.530

Mukelani Dimba (Executive: Education & Comms): Oh yes, you mentioned section.

506

01:21:16.530 --> 01:21:17.910

Mukelani Dimba (Executive: Education & Comms): 69 area.

507

01:21:18.630 --> 01:21:27.930

Mukelani Dimba (Executive: Education & Comms): That they either question regarding the interpretation of Section 691 269 subsection for.

508

01:21:29.400 --> 01:21:30.660

Mukelani Dimba (Executive: Education & Comms): The question is.

509

01:21:32.460 --> 01:21:49.200

Mukelani Dimba (Executive: Education & Comms): Interpretation of six section 691 up to 69 for appear in relation to direct marketing our call centers that is human to human are they included in the definition of electronic communication.

510

01:21:53.400 --> 01:21:56.460

Mukelani Dimba (Executive: Education & Comms): With Members who wish to have a question.

511

01:22:00.600 --> 01:22:01.380

Ms Tilley (Part time member) : I can.

512

01:22:01.800 --> 01:22:05.520

Adv Tlakula (Chairperson of the Regulator) : I can, I can attempt to do that because it's a question that.

513

01:22:07.230 --> 01:22:17.430

Adv Tlakula (Chairperson of the Regulator) : We are grappling with because there is a school of thought that says, if you receive a call from a call Center that does not constitute.

514

01:22:18.360 --> 01:22:36.450

Adv Tlakula (Chairperson of the Regulator) : Electronic communication and there is another school of thought that that says it does, I think we will have to answer this question once and for all, when we should be the guidance notes on Section 69 That would be my answer for now.

515

01:22:39.900 --> 01:22:40.680

Thank you Jay.

516

01:22:43.680 --> 01:22:45.900

Ms Tilley (Part time member) : And I wanted to say that.

517

01:22:47.010 --> 01:22:51.090

Ms Tilley (Part time member) : I think the question generally with those kinds of calls.

518

01:22:52.530 --> 01:23:05.520

Ms Tilley (Part time member) : is how that personal information came to the that the knowledge of the person who's doing the direct marketing, so I would say that that that's really been the major.

519

01:23:06.840 --> 01:23:07.530

Ms Tilley (Part time member) : concern.

520

01:23:08.730 --> 01:23:12.180

Ms Tilley (Part time member) : But I would yes, I would agree, as Chair that that's something.

521

01:23:12.180 --> 01:23:15.030

Ms Tilley (Part time member) : we'll we'll have to be more specific about.

522

01:23:19.350 --> 01:23:20.040

Prof Sizwe Snail ka Mtuze ( Part Time Member ): I see a very.

523

01:23:20.070 --> 01:23:20.640

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Important.

524

01:23:20.670 --> 01:23:42.150

Prof Sizwe Snail ka Mtuze ( Part Time Member ): person yeah, so I think we need to deal with and there's been a question here dealing, well, it was a response to anonymous, but I think in paraphrase the question and the question is why respective and I think that the straightforward answer to that no.

525

01:23:44.610 --> 01:23:46.650

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Number one we have the.

526

01:23:47.760 --> 01:23:56.610

Prof Sizwe Snail ka Mtuze ( Part Time Member ): You know the theory against witches activity, the presumption, against which was activity, so that, from the legal interpretation spectrum.

527

01:23:57.180 --> 01:24:11.940

Prof Sizwe Snail ka Mtuze ( Part Time Member ): And number two,

we also have the grace period, so it would be inconceivable to have people appear apply retrospectively, I hope that terrifies that big question that's in us.

528

01:24:13.980 --> 01:24:14.340

Mukelani Dimba (Executive: Education & Comms): yeah.

529

01:24:17.280 --> 01:24:23.070

Mukelani Dimba (Executive: Education & Comms): And there's another question which is a follow up regarding exemption applications.

530

01:24:24.810 --> 01:24:36.360

Mukelani Dimba (Executive: Education & Comms): A participant wants to know how long does it take for the regulator to decide on exemption applications, he or she notes that.

531

01:24:37.260 --> 01:24:48.030

Mukelani Dimba (Executive: Education & Comms): These exemptions must be published in the government, because that and he notices that there hasn't been any granted up to date, so how long does this process actually take.

532

01:24:51.450 --> 01:24:53.250

Mukelani Dimba (Executive: Education & Comms): Mr Machiavellian.

533

01:25:01.020 --> 01:25:04.530

L Makhubela: Senior Manager: POPIA: Mr Jim but i'm not sure whether he can you hear me now yeah.

534

01:25:04.830 --> 01:25:05.760

Mukelani Dimba (Executive: Education & Comms): I can hear you think.

535

01:25:07.050 --> 01:25:08.820

L Makhubela: Senior Manager: POPIA: battling with connectivity.

536

01:25:10.020 --> 01:25:13.650

L Makhubela: Senior Manager: POPIA: Well, in terms of the timeline is.

537

01:25:14.940 --> 01:25:17.880

L Makhubela: Senior Manager: POPIA: We still need to develop so piece in 10.

538

01:25:21.240 --> 01:25:22.740

L Makhubela: Senior Manager: POPIA: they've not been developed yet.

539

01:25:23.910 --> 01:25:34.170

L Makhubela: Senior Manager: POPIA: But with a applications that we have received that are being processed and if the applicant is one of those who submitted an application, I think there will be federal couldn't kitchen.

540

01:25:34.680 --> 01:25:41.580

L Makhubela: Senior Manager: POPIA: In that regard we've already acknowledged the SIP on all of those applications that we have to sit thanks.

541

01:25:46.140 --> 01:25:49.410

Mukelani Dimba (Executive: Education & Comms): You guys a question regarding the.

542

01:25:50.610 --> 01:25:56.100

Mukelani Dimba (Executive: Education & Comms): Compliance framework so missoula I know you've you've done a lot of work in this regard.

543

01:25:57.540 --> 01:26:09.930

Mukelani Dimba (Executive: Education & Comms): Corinne wants to know where they can find a simple example of an impact assessment and also have a compliance framework other plans by the regulator to provide.

544

01:26:10.410 --> 01:26:11.820

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Such such examples.

545

01:26:11.940 --> 01:26:12.570

Mukelani Dimba (Executive: Education & Comms): This law.

546

01:26:15.510 --> 01:26:21.690

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis: i'm not certain if I can, if I can say to you that you know where

you could actually find a good example.

547

01:26:22.140 --> 01:26:23.970

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
And the regulator is.

548

01:26:24.540 --> 01:26:29.310

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
Has their internal impact assessment and compliance framework.

549

01:26:30.270 --> 01:26:39.630

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
And and i'm not sure if a decision we haven't made a decision as  
to whether that is going to be published anytime soon, but my  
suggestion is.

550

01:26:40.080 --> 01:26:49.530

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
You know, there are many other jurisdictions that that would have  
quite notable guidance, if you look at Australia, Canada.

551

01:26:50.130 --> 01:27:00.810

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
The UK and the EU, they have data what they what we call a  
personal information impact assessment, they have data, data  
protection, I think it's.

552

01:27:01.710 --> 01:27:08.130

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
A data protection impact assessment, and so you would be able to  
find suitable.

553

01:27:08.910 --> 01:27:17.970

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
templates or precedence, so to speak, but you need to make sure  
that whatever you do that you're going to be complying with with  
prepare.

554

01:27:18.390 --> 01:27:28.890

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
And it's well to reference your document with with what you see  
in other jurisdictions, but you need to make sure that this  
compliance of the eight conditions of lawful processing.

555

01:27:29.280 --> 01:27:39.270

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
And, and that you are able to identify every processing activity  
that your entity undertakes, if you are able to identify each  
processing activity.

556

01:27:39.990 --> 01:27:44.970

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
You will be able to also you know formulate some federal risk  
assessment.

557

01:27:45.360 --> 01:27:54.480

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
In conjunction with each of these processing activities and  
ensure also that there's compliance with the condition of law for  
processing and I think that is a knob of it.

558

01:27:55.050 --> 01:28:05.010

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
In trying to develop your own personal information impact  
assessment and compliance framework, you have to, and I know it  
seems like a very laborious process.

559

01:28:05.370 --> 01:28:14.130

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
But it's it's it's a fundamental exercise and all information  
offices have a statutory obligation to undertake this in terms of  
regulation for.

560

01:28:14.460 --> 01:28:28.560

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
So what you're going to have to do is identify every processing  
activity try to identify what are the possible risks, how do you  
mitigate these risks and how will you ensure that your entity is  
going to comply with eight conditions.

561

01:28:29.190 --> 01:28:34.200

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
In how you process as personal information I think that's the  
best advice I can give you Thank you.

562

01:28:35.790 --> 01:28:41.700

Mukelani Dimba (Executive: Education & Comms): Thank goodness we  
can make a very important point that, even though it's quite

laborious to do this.

563

01:28:41.850 --> 01:28:42.360

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Because.

564

01:28:42.390 --> 01:28:46.620

Mukelani Dimba (Executive: Education & Comms): it's part and parcel of your risk management strategy within an organization.

565

01:28:46.920 --> 01:28:47.430

Mukelani Dimba (Executive: Education & Comms): anyway.

566

01:28:47.460 --> 01:28:48.360

Mukelani Dimba (Executive: Education & Comms): it's something that.

567

01:28:48.450 --> 01:28:49.920

Prof Sizwe Snail ka Mtuze ( Part Time Member ): needs to do.

568

01:28:50.070 --> 01:28:50.760

To be done.

569

01:28:53.160 --> 01:28:55.950

Prof Sizwe Snail ka Mtuze ( Part Time Member ): yeah so the you're still finishing.

570

01:28:57.180 --> 01:28:58.110

Prof Sizwe Snail ka Mtuze ( Part Time Member ): No, I see.

571

01:28:58.530 --> 01:29:01.380

Prof Sizwe Snail ka Mtuze ( Part Time Member ): I see a follow up question to direct marketing.

572

01:29:02.700 --> 01:29:05.070

Prof Sizwe Snail ka Mtuze ( Part Time Member ): And I find this question most the music.

573

01:29:06.870 --> 01:29:21.930

Prof Sizwe Snail ka Mtuze ( Part Time Member ): From anonymous and the question is with regards to direct marketing would educational marketing training material and video links or



training I would assume for training or appear.

574

01:29:24.060 --> 01:29:30.660

Prof Sizwe Snail ka Mtuze ( Part Time Member ): or certain products relating to prepare, whether that would be considered as direct market.

575

01:29:31.470 --> 01:29:52.410

Prof Sizwe Snail ka Mtuze ( Part Time Member ): But I have some some good news and some bad news for my colleagues who have been engaging in these practices to educate people unfortunately and fall under the parameter of marketing, so you would expose yourself to a complaint, should you be marketing to people are not to find.

576

01:29:53.430 --> 01:30:15.900

Prof Sizwe Snail ka Mtuze ( Part Time Member ): I just find it funny because prior to the first of July, everyone was selling compliance and webinar regarding you know compliance get compliant so it's some interesting times, even those who are selling education will have to comply, as well, I hope the comment is taken tongue in cheek.

577

01:30:17.340 --> 01:30:25.590

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis: I just want to add something to what you said, there was a question that I picked up on the group on accreditation of certain bodies.

578

01:30:26.040 --> 01:30:37.050

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis: And I just want to state that the regulator is not empowered and prepare doesn't accredit anybody, so any bodies that are claiming to be accredited they are not accredited I mean.

579

01:30:37.740 --> 01:30:49.620

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis: They can't they're not accredited by us, the legislation doesn't create any accreditation responsibilities so people need to be very wary of the so called accredited bodies out there.

580

01:30:50.670 --> 01:30:53.520

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis: And I know if if the Members want to add to that thanks.

581

01:30:55.170 --> 01:31:00.060

Prof Sizwe Snail ka Mtuze ( Part Time Member ): A lot in on that and I think you correctly, say so.

582

01:31:01.290 --> 01:31:08.460

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Does not authorize the regulator or anyone can pass themselves off as a certifying.

583

01:31:09.600 --> 01:31:22.020

Prof Sizwe Snail ka Mtuze ( Part Time Member ): organization or some organization that will give you some form of documentation say that you are fine, it is unfortunate that awesome colleagues.

584

01:31:22.590 --> 01:31:32.460

Prof Sizwe Snail ka Mtuze ( Part Time Member ): That are engaging savory practices, but with That having been said, if someone does want some form of formal training.

585

01:31:33.000 --> 01:31:45.300

Prof Sizwe Snail ka Mtuze ( Part Time Member ): And there are very beautiful higher education institutions that are entry, as well as international organizations that provide training in the area of the data protection.

586

01:31:45.750 --> 01:32:00.270

Prof Sizwe Snail ka Mtuze ( Part Time Member ): And I can only advise people follow you repeatable accepted annals of training, when it comes to you know allocations that one may want to have i'm not saying that.

587

01:32:01.410 --> 01:32:15.990

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Other service providers cannot give insightful training and so forth, but you know those who always say they certified compliance and lunch or something right.

588

01:32:19.650 --> 01:32:20.340

Mukelani Dimba (Executive: Education & Comms): Thank Thank you.

589

01:32:21.390 --> 01:32:43.590

Mukelani Dimba (Executive: Education & Comms): i'm just one more question related to how to manual templates Mr and Ms CC, could

you please repeat your point regarding the templates whether they are available somebody would like to have a look at a manual template so that they make sure that i've covered all the requirement.

590

01:32:45.300 --> 01:32:53.400

Mr Nemasisi (Executive: PAIA): They the template has been developed it's going through the approval process internally, they will be published as soon as possible.

591

01:32:54.000 --> 01:33:04.620

Mr Nemasisi (Executive: PAIA): They are not available now, but they have been drafted already just with going through the approval process internally, and they will be published so that they are approved thanks.

592

01:33:06.000 --> 01:33:06.420

Mukelani Dimba (Executive: Education & Comms): Thanks.

593

01:33:08.040 --> 01:33:08.580

Mukelani Dimba (Executive: Education & Comms): Profit that's.

594

01:33:08.820 --> 01:33:11.130

Mukelani Dimba (Executive: Education & Comms): All I had on my board over to you.

595

01:33:12.390 --> 01:33:26.940

Prof Sizwe Snail ka Mtuze ( Part Time Member ): yeah I see this one or two questions that we can tend to also mindful of the time, and that we have now, I see, we are not exactly at.

596

01:33:27.900 --> 01:33:41.280

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Of 33 so we can grab two more questions and then I thought, maybe we could allow the tippers say one last words before miss tilly gives a vote of thanks.

597

01:33:41.790 --> 01:33:55.710

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Right, I see here a question and, and this is a lot it's from our passion, to whom does the PR PR act apply does it also applied small investment companies.

598

01:33:56.280 --> 01:34:10.470

Prof Sizwe Snail ka Mtuze ( Part Time Member ): as well that do not process data and answering this and if someone wants to add, you should I, I think it is extremely unlikely as an investment company.

599

01:34:11.100 --> 01:34:22.680

Prof Sizwe Snail ka Mtuze ( Part Time Member ): That you would not be processing personal information in fact you're most likely going to be processing, especially this personal information and most likely, as well as financial.

600

01:34:23.970 --> 01:34:27.330

Prof Sizwe Snail ka Mtuze ( Part Time Member ): And yes, it will appear applies to any body.

601

01:34:28.470 --> 01:34:41.070

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Not just anybody is human being, but a body is realistic person, be it a government body is a association it a partnership.

602

01:34:41.610 --> 01:34:53.490

Prof Sizwe Snail ka Mtuze ( Part Time Member ): and basically anything that we could recognize them all, as as having a a legal personality, we, I mean we always get the the interesting question about trusts.

603

01:34:54.060 --> 01:35:12.240

Prof Sizwe Snail ka Mtuze ( Part Time Member ): and trust, also have to comply, and so, yes, the Pier applies to everybody, I hope that answers that pasha then okay i'm going to skip this one, the question was how long does it take to register.

604

01:35:13.710 --> 01:35:15.300

Prof Sizwe Snail ka Mtuze ( Part Time Member ): With with this.

605

01:35:17.010 --> 01:35:18.210

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Then we have.

606

01:35:19.650 --> 01:35:21.900

Prof Sizwe Snail ka Mtuze ( Part Time Member ): yeah I see some of the questions were answered here.

607

01:35:24.030 --> 01:35:31.800  
Prof Sizwe Snail ka Mtuze ( Part Time Member ): I see the body corporate question we just go to the button and see anything special okay.

608  
01:35:32.040 --> 01:35:34.140  
Prof Sizwe Snail ka Mtuze ( Part Time Member ): there's the question of trusts.

609  
01:35:34.380 --> 01:35:43.170  
Prof Sizwe Snail ka Mtuze ( Part Time Member ): looks like on the on the Q amp a we've exhausted fact I just want to see if there's anything on the social media thing.

610  
01:35:44.280 --> 01:35:58.740  
Prof Sizwe Snail ka Mtuze ( Part Time Member ): Okay there's one question on social media in relation to private investigations, for example, detecting counterfeit goods as the act exclude such activities or is pre authorization required.

611  
01:35:59.280 --> 01:36:17.340  
Prof Sizwe Snail ka Mtuze ( Part Time Member ): And i'm going to set the stage for that question I think it's a collision between section six in Section seven and i'll allow one of my colleagues, to take the Meta further either youngster nemesis a lot, one of the two.

612  
01:36:22.380 --> 01:36:24.270  
Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis: Okay, I didn't get that question can.

613  
01:36:24.270 --> 01:36:25.260  
Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis: you please repeat that.

614  
01:36:27.840 --> 01:36:29.430  
Prof Sizwe Snail ka Mtuze ( Part Time Member ): Yes, the question was here.

615  
01:36:30.870 --> 01:36:54.120  
Prof Sizwe Snail ka Mtuze ( Part Time Member ): In relation to private investigations and others detecting counterfeit goods and so forth, does the act exclude appear for such activities or is pre authorization required for my my initial jab before I hand it

to you, is it looked as a collision in section six and section.

616

01:36:55.230 --> 01:36:55.800

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Over to.

617

01:37:02.160 --> 01:37:12.390

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
Look sorry sorry i've been having a challenge and meeting I think  
if we're going to look at section six because, with with section  
six it deals with exclusions.

618

01:37:13.410 --> 01:37:25.860

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
Where where the exclusions would not apply to processing your  
personal information if bio on behalf of public body if it's  
going to be dealing with national security or the prevention,  
detection.

619

01:37:27.060 --> 01:37:45.810

Ms.Varsha Sewlal: Executive Legal,Policy,Research & IT Analysis:  
And in identification of proof of unlawful activities, so I think  
in that regard, but it's a difficult one to do to answer, but my  
my my gut feeling says to me that the exclusion in terms of  
section six would be applicable I don't know if anyone else  
wants to add to that.

620

01:37:48.630 --> 01:37:53.700

Mr Nemasisi (Executive: PAIA): um the the exclusion is applicable  
when you are a public body or acting on behalf of.

621

01:37:53.730 --> 01:38:00.240

Mr Nemasisi (Executive: PAIA): public body, so not everybody will  
come and say i'm conducting investigation to detect crime.

622

01:38:00.540 --> 01:38:06.120

Mr Nemasisi (Executive: PAIA): When you are not a public Bhutto,  
acting on behalf of public, but you will just go and do, that of  
the abuse of those powers.

623

01:38:06.480 --> 01:38:14.310

Mr Nemasisi (Executive: PAIA): And that's why it's physically for  
for public witness or, if you are doing that, on behalf of public  
buddy you would be a vessel extension might be applicable.

624

01:38:14.910 --> 01:38:21.390

Mr Nemasisi (Executive: PAIA): But if you're doing it for public purposes just say you're conducting investigations imagine how many people will use that.

625

01:38:21.840 --> 01:38:26.760

Mr Nemasisi (Executive: PAIA): As abusing their power when that was is that doing is when legislated in any way.

626

01:38:27.330 --> 01:38:37.380

Mr Nemasisi (Executive: PAIA): So that that's the issue that we need to look at to say, are you doing it for public as, on behalf of public body or are you probably already conducting bad kind of investigation, but if you're not.

627

01:38:37.860 --> 01:38:45.900

Mr Nemasisi (Executive: PAIA): Then you do not fall under the category of this question that we see section six, especially if you look at six one see.

628

01:38:46.410 --> 01:38:57.780

Mr Nemasisi (Executive: PAIA): Because it says by on behalf of your public body, so that that's where you would be able to get the apology, whether you actually do investigations actually can fall on deaf or public thanks.

629

01:39:00.180 --> 01:39:18.240

Prof Sizwe Snail ka Mtuze ( Part Time Member ): yeah I think I think that's a comprehensive answer and I think I think Mr Denver, and I should just send the questions that have come from the participants in line with the chip business request that he would speak time and it's time.

630

01:39:19.980 --> 01:39:24.000

Prof Sizwe Snail ka Mtuze ( Part Time Member ): I would like to give over to miss tilly.

631

01:39:25.140 --> 01:39:28.920

Prof Sizwe Snail ka Mtuze ( Part Time Member ): To give a verge of science live with that he doesn't want to say.

632

01:39:30.390 --> 01:39:30.720

Prof Sizwe Snail ka Mtuze ( Part Time Member ): Thank you.

633

01:39:31.680 --> 01:39:31.950

Mukelani Dimba (Executive: Education & Comms): prefer.

634

01:39:31.980 --> 01:39:42.030

Mukelani Dimba (Executive: Education & Comms): Just one word, please before hand over to study and check is a question regarding an external company that complies with the gdpr.

635

01:39:44.010 --> 01:40:01.620

Mukelani Dimba (Executive: Education & Comms): The response, they is, if you are an external company with a presence in South Africa, probably processing personal information of data subjects who are in South Africa, you still need to comply with various provisions of PA.

636

01:40:02.940 --> 01:40:21.900

Mukelani Dimba (Executive: Education & Comms): The good thing is that PR PR and the GDP are maintain a similar level of standards in terms of protection of personal information so that there isn't a whole lot more that you wouldn't need to do if you're already used to gdpr but you would still need to.

637

01:40:23.220 --> 01:40:28.170

Mukelani Dimba (Executive: Education & Comms): Follow the various provisions in terms of implementation of PA and and.

638

01:40:29.610 --> 01:40:40.740

Mukelani Dimba (Executive: Education & Comms): And the implementation of the law, you would still need to satisfy those provisions it's just that, if you are used to gdpr it will be an easier process for you thanks.

639

01:40:47.880 --> 01:40:50.280

Mukelani Dimba (Executive: Education & Comms): Over to miss timmy and the Chair.

640

01:40:52.770 --> 01:40:54.450

Ms Tilley (Part time member) : chair I don't know if you have any.

641

01:40:56.100 --> 01:40:56.880

Ms Tilley (Part time member) : closing comments.



642

01:40:58.530 --> 01:41:05.640

Adv Tlakula (Chairperson of the Regulator) : No bad if you can just talk about the questions that we have not asked, because there are quite a number and see how we going to do with that.

643

01:41:06.960 --> 01:41:07.320

Ms Tilley (Part time member) : Show.

644

01:41:08.100 --> 01:41:08.610

and

645

01:41:09.870 --> 01:41:10.560

Ms Tilley (Part time member) : Thank you.

646

01:41:12.090 --> 01:41:17.880

Ms Tilley (Part time member) : For that, I think there are a number of issues that have come up during this webinar that.

647

01:41:19.110 --> 01:41:30.390

Ms Tilley (Part time member) : I think we will go away and think about one of the questions that was raised was whether or not we could run a webinar for information officers specifically.

648

01:41:31.140 --> 01:41:41.940

Ms Tilley (Part time member) : And I think there is certainly a plan on our part to look at information officers of public bodies, they have a specific risk reporting responsibility.

649

01:41:42.960 --> 01:42:03.090

Ms Tilley (Part time member) : To the regulator non and that's something that we, we would like to talk to them about, but so without having made a decision, I think I can say that we would like to certainly do webinars that focus on particular role players responsibilities, the.

650

01:42:04.650 --> 01:42:18.360

Ms Tilley (Part time member) : The regulator plans to as as we've been doing to continue this webinar series sickness legislation coming in now.

651

01:42:19.320 --> 01:42:32.640

Ms Tilley (Part time member) : There are a lot of questions at this point, we may not need to have them as regularly you know, in times come, but we certainly plants keep doing these as well as trying to respond to questions and comments.

652

01:42:33.690 --> 01:42:35.070

Ms Tilley (Part time member) : on social media or as.

653

01:42:37.500 --> 01:42:48.540

Ms Tilley (Part time member) : organizers organizations reach out to us, and I think i've made a particular note of of the query around plain language, information for.

654

01:42:49.890 --> 01:42:55.800

Ms Tilley (Part time member) : People who want to do an impact assessment, I think that's that's something we can certainly think about.

655

01:42:57.060 --> 01:43:10.440

Ms Tilley (Part time member) : Training is part of the the regulator's mandates and so that's something that again will will certainly be trying to do in the most effective way possible.

656

01:43:11.580 --> 01:43:21.210

Ms Tilley (Part time member) : So we're able to do training online or, alternatively, training for organizations who would then be able to go out and train.

657

01:43:22.560 --> 01:43:30.810

Ms Tilley (Part time member) : Their members that's that's certainly going to be something that we would we would rather focus will run the focus on perhaps rather than.

658

01:43:32.070 --> 01:43:34.830

Ms Tilley (Part time member) : You know one individual small organization.

659

01:43:36.450 --> 01:43:47.610

Ms Tilley (Part time member) : That being said, I would like to thank my colleagues for their preparation for the session, I think I think you can see that.

660

01:43:49.980 --> 01:43:58.470

Ms Tilley (Part time member) : Mr, Mr Michael Bella have gone to to some trouble to to make sure that they try to lay out the framework that we're looking at and.

661

01:43:59.250 --> 01:44:13.890

Ms Tilley (Part time member) : Thank you to this December and process for managing the questions as they come flying in and Miss Sunday, thank you for organizing this webinar with with your team and.

662

01:44:15.270 --> 01:44:33.210

Ms Tilley (Part time member) : Thank you to to chair and leave the other members of the regulator who who've been present and we look forward to engage in with you again we do take your comments and questions seriously and we will try to deal with them.

663

01:44:34.290 --> 01:44:53.190

Ms Tilley (Part time member) : in a systematic way, as we can, I think we're particularly keenly aware of the need for the portal to work and then something that we really are taking seriously and and prioritizing as as a concern and personal have I.

664

01:44:54.270 --> 01:44:58.410

Ms Tilley (Part time member) : Have I covered the the areas as anything you'd like to add.

665

01:44:59.340 --> 01:45:19.710

Prof Sizwe Snail ka Mtuzze ( Part Time Member ): Yes, I think I think you've covered everyone I think even all the sense to everyone, and I think within the last seconds I seats for 44 and I think I should thank you as well, for for your insight and for also giving a vote of thanks to everyone, I think we've exhausted on.

666

01:45:23.040 --> 01:45:27.030

Ms Tilley (Part time member) : In which case, thank you very much, and let me call this.

667

01:45:28.050 --> 01:45:30.660

Ms Tilley (Part time member) : webinar adjourned, thank you very much.