

# Transcript of the Unpacking the POPIA Act Webinar, 05 November 2021.

Hosted by the Information Regulator and the National School of Government (NSG).

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WEBVTT

1

00:00:57.930 --> 00:00:58.380

Thank you.

2

00:01:59.340 --> 00:02:00.570

Ms Louise Lepad (NSG): Ladies and gentlemen.

3

00:02:01.620 --> 00:02:15.810

Ms Louise Lepad (NSG): Good morning, and welcome to our webinar unpacking the poppy at the national school of government is collaborating with the information regulator our South Africa to deliver webinar on the poppy at.

4

00:02:16.770 --> 00:02:25.530

Ms Louise Lepad (NSG): The webinar will unpack the poppy and outline its implications and legal obligations for all public sector institutions.

5

00:02:26.070 --> 00:02:41.130

Ms Louise Lepad (NSG): A full understanding of poppy and associated regulations will empower departments and institutions to take urgent steps to protect personal information and engage big data within the bounds of law.

6

00:02:42.360 --> 00:02:51.780

Ms Louise Lepad (NSG): We are delighted to partner with the information regulator bring to you the second session that we have in our series and unpacking.

7

00:02:54.300 --> 00:03:14.040

Ms Louise Lepad (NSG): During the session we are hoping that you will have an opportunity to engage the information regulator was the poppy regulations with the exemptions from conditions for local processing of personal information and, as well as the applications for prior authorization.

8

00:03:15.210 --> 00:03:19.770

Ms Louise Lepad (NSG): Well, our guests who are joining us today I invited to.

9

00:03:20.940 --> 00:03:45.540

Ms Louise Lepad (NSG): ask questions on the Q and A platform at the bottom of your screen or to engage with the panelists through the chat box, please feel welcome to our session and we engaging

and interactive as possible, I would like to invite our Deputy Director General doctor what's up a low margin.

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00:03:46.560 --> 00:03:55.920

Ms Louise Lapan (NSG): From the national school of government to give you an opening remarks and welcome Patrice Dr marcia over to please.

11

00:03:57.990 --> 00:04:09.540

Botshabelo Maja: Thank you very much, Miss lapan good morning colleagues good morning everyone, welcome to the partnership between the national school of government.

12

00:04:10.020 --> 00:04:31.110

Botshabelo Maja: And the information regulator, let me take this opportunity to welcome our colleagues from the information later this is part two of our engagement webinar looking at the protection of information personnel information.

13

00:04:32.670 --> 00:04:42.330

Botshabelo Maja: We do this as part of our endeavor as a national school of government to not only empower public servants in doing their jobs, better.

14

00:04:42.810 --> 00:04:50.310

Botshabelo Maja: But to make sure that public servants themselves as citizens of this country know the difference between right and wrong.

15

00:04:50.820 --> 00:05:07.110

Botshabelo Maja: understand what they need to do and how can we be able, all of us to move ourselves to what the space that we call execution diligence what that requires is that we need to know what the rules of the game.

16

00:05:08.340 --> 00:05:22.410

Botshabelo Maja: How are we going to work with those rules to make sure that we achieve the objectives that we've set ourselves to achieve and how to make sure that we build this capable development stage that we always talk about.

17

00:05:23.490 --> 00:05:37.980

Botshabelo Maja: We are nine years away from 2030 wi fi played on a vision for this country, which will culminate hopefully in us achieving our goals by the year 2030.

18

00:05:38.940 --> 00:05:47.580

Botshabelo Maja: we've just come out of the local government elections in the last five days and all of this means that all of us who are here.

19

00:05:48.450 --> 00:06:03.900

Botshabelo Maja: need to fold our arms and make sure that our hands on the wheel to assist not only government, but the state in general, and also the country to achieve our goals and objectives.

20

00:06:04.950 --> 00:06:18.720

Botshabelo Maja: The protection of personnel information that will be talking about today is one size lieber that will make sure that we move in one direction, respectful of personnel information.

21

00:06:19.320 --> 00:06:30.300

Botshabelo Maja: The spectrum respectful of the pounds of sharing of personnel information respectful of the rules that guide and Kevin shaving and utilization of person.

22

00:06:31.860 --> 00:06:50.790

Botshabelo Maja: We have a number of colleagues the legal fraternity, who will be speaking us to bigger pockets of today and we hope that by the end of this session will all know better, about what we need to do and how can we be able to execute diligently.

23

00:06:52.320 --> 00:07:10.920

Botshabelo Maja: We are happier here, because it means that all these sessions that we've been having at beginning to bear fruit in ensuring that all of us as public servants inform ourselves educate ourselves develop ourselves capacity themselves to be able to know better, but really.

24

00:07:12.480 --> 00:07:35.280

Botshabelo Maja: We had in the last few weeks is similar webinar which was attended to, by Dr keisha Lou BC and Dr Lee on the very essence of how and what we need to do to build this capabilities that we talk about and how can we learn from countries such as China, that have been able to do it.

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00:07:36.720 --> 00:07:48.120

Botshabelo Maja: In the next week, we invite you again to join us on Wednesday next week, as we will be launching a book that has been published by the national school of government.

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00:07:48.840 --> 00:08:08.460

Botshabelo Maja: On black youth aspirations we're talking to the issue of let you aspirations next gig similarly to the issue of building a capable state, because we cannot afford to have a youth in our country that is this engaged.

27

00:08:10.020 --> 00:08:24.510

Botshabelo Maja: The participation and the voting trends that we've seen on Monday I cause for concern, we need to print bear or South Africans to participate in our democracy.

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00:08:24.930 --> 00:08:48.990

Botshabelo Maja: To be active in our democracy and to be joined players in the building of this country that we all love so sit back hopefully relax hopefully enjoy but, more importantly, land and use the leanings out of this webinar today to build your capabilities to what execute.

29

00:08:50.310 --> 00:09:02.310

Botshabelo Maja: diligently all the best and i'm looking forward to listening and learning myself, and I hope we can all do the same, during the course of this morning, thank you very much, Mr pine and for the best for the session.

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00:09:03.720 --> 00:09:18.480

Ms Louise Lepad (NSG): Thank you very much, Dr Martin just to introduce myself again i'm Louise the Pan Am the chief director responsible for senior management and professionalization of professional development at the national school of government.

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00:09:19.980 --> 00:09:32.280

Ms Louise Lepad (NSG): Please feel welcome, we are participants are up at 622, and this is all part of your professional development, being introduced to this particular act.

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00:09:33.510 --> 00:09:42.900

Ms Louise Lepad (NSG): We would like to know a little bit more about the information regulator and it gives me great pleasure to welcome advocates weapons colon weapons.

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00:09:43.650 --> 00:09:52.110

Ms Louise Lepad (NSG): He is an admitted advocate of the High Court of South Africa, his areas of specialization include information technology.

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00:09:52.530 --> 00:10:03.090

Ms Louise Lepad (NSG): Risk Management forensic investigation compliance management business management and law with specialization in the law of contracts.

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00:10:03.600 --> 00:10:16.320

Ms Louise Lepad (NSG): is a full member of the information regulator and i'd like to welcome him to tell us a little bit more of the work of the information regulator over to advocates weapons, please.

36

00:10:18.090 --> 00:10:26.340

Adv. Johannes Weapond (IRSA): Good morning Thank you so much good morning to all the participants and good morning to my colleagues from the information regulator, as well as.

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00:10:28.200 --> 00:10:45.720

Adv. Johannes Weapond (IRSA): Other colleagues, which which gives me great pleasure, as well, quality, just to a by way of an intro i'd like to just inform you that Muslim SEC and advocate while they're responsible for.

38

00:10:46.800 --> 00:10:59.850

Adv. Johannes Weapond (IRSA): The processing, basically, the protection of personal information and mastermind nemesis is responsible for the promotion of access to information, they are both executives and they are also joined by.

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00:11:00.900 --> 00:11:20.550

Adv. Johannes Weapond (IRSA): senior managers and the senior managers include advocate with dd mathematical Bella as well as Muslim Warner and in saying all of this it's also very important to note that this is the 18th of the information regulator and they are quite.

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00:11:22.230 --> 00:11:33.810

Adv. Johannes Weapond (IRSA): knowledgeable about the protection of personal information Thank you so much, so what is the information regulate done so far, the information regulators basically.

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00:11:34.860 --> 00:11:48.090

Adv. Johannes Weapond (IRSA): ensure that the regulations have been drafted guidance notes have been published on our websites, they were also various strategic stakeholder engagements that were conducted, including the one that we see today.

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00:11:49.230 --> 00:11:59.580

Adv. Johannes Weapond (IRSA): there's also the engagement that we had fitness loop and refer to, which is actually the one that actually provide some concerns about.

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00:12:00.450 --> 00:12:13.800

Adv. Johannes Weapond (IRSA): What will be the consequences if you take a photo in a group or, if you take an individual photo and your consent, has not been provided so Those are some of the key areas which we still need to.

44

00:12:14.670 --> 00:12:28.980

Adv. Johannes Weapond (IRSA): engage one further, but in saying this into bring you back to populate the information regulator is quite mindful of the fact that the act is quite technical and at some points.

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00:12:30.060 --> 00:12:44.460

Adv. Johannes Weapond (IRSA): difficult to interpret and the information regulators also making a list of some of the areas that sorry some of the issues and some of the complications around cross referencing in the air.

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00:12:45.510 --> 00:12:48.990

Adv. Johannes Weapond (IRSA): By way of an example, if you read section 112 to.

47

00:12:50.160 --> 00:12:59.190

Adv. Johannes Weapond (IRSA): see it would refer you to section 32 six in section 32 six will refer you to the section that the two.

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00:13:00.780 --> 00:13:12.660

Adv. Johannes Weapond (IRSA): One be in one F and that type of cross referencing makes it extremely difficult for people to implement to understand interpret and implement poppier.

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00:13:13.530 --> 00:13:26.550

Adv. Johannes Weapond (IRSA): But the regulators working on trying to get all the areas of concern, so that you can also effect Wholesale changes, when the time is when time permits.

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00:13:27.840 --> 00:13:29.490

Adv. Johannes Weapond (IRSA): Colleagues in saying all of this.

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00:13:30.510 --> 00:13:43.020

Adv. Johannes Weapond (IRSA): The instruments in measures and data provided for input their public and private parties can use some of those instruments and measures includes developing a code of conduct.

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00:13:44.400 --> 00:13:56.970

Adv. Johannes Weapond (IRSA): You can also apply for credit authorization there there's exceptions that you can rely on that is exclusions and they are exemptions in all these measures.

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00:13:57.810 --> 00:14:07.080

Adv. Johannes Weapond (IRSA): are supposed to be used in the circumstances that they act provides for and what is also very important to appreciate, is the fact that.

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00:14:08.100 --> 00:14:22.020

Adv. Johannes Weapond (IRSA): They are guidance notes that information regulator published from time to time these guidance notes are particularly important for public and private bodies to understand how the regulator.

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00:14:23.760 --> 00:14:28.860

Adv. Johannes Weapond (IRSA): thinks and how the regulator appreciates, for instance, and by way of an example.

56

00:14:30.720 --> 00:14:39.540

Adv. Johannes Weapond (IRSA): Information officers and appointment of Deputy information officers and that specific guidance and i'll provide some insights about them.

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00:14:40.230 --> 00:14:48.510

Adv. Johannes Weapond (IRSA): But not limiting any public or private body with regards to the number of Deputy information officers, they can be appointed.

58

00:14:49.110 --> 00:15:09.120

Adv. Johannes Weapond (IRSA): And in saying all of this, the information regulator is also looking at bringing into effect section 57 true which refers to play authorization and that will happen from the first of February and that particular section is the only section that has not yet been.

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00:15:10.980 --> 00:15:18.960

Adv. Johannes Weapond (IRSA): Caught a cold into effect, and as such information regulated and well then ensure that particular section comes into effect.

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00:15:20.520 --> 00:15:28.470

Adv. Johannes Weapond (IRSA): As pedal stipulated date of the first of February, what is also very important for us to appreciate, is that the information regulator.

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00:15:28.860 --> 00:15:40.230

Adv. Johannes Weapond (IRSA): is having these continuous webinars and stakeholder engagement, so that all the different stakeholders can have access to the information regulator.

62

00:15:40.590 --> 00:15:53.070

Adv. Johannes Weapond (IRSA): And then at that also speaks to the limited resources that information regulator has, from time to time, but what is also very important, and what is also key to to to appreciate.

63

00:15:53.640 --> 00:16:04.410

Adv. Johannes Weapond (IRSA): Is the fact that if three responsible party being a public or private party, the starting point will always be what I would call.

64

00:16:05.460 --> 00:16:11.220

Adv. Johannes Weapond (IRSA): An assessment or some people call it a gap analysis and that speaks to.

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00:16:12.450 --> 00:16:20.460

Adv. Johannes Weapond (IRSA): The privacy impact assessment, as they call it in Europe in South Africa, we call it a personal information impact assessment.

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00:16:20.910 --> 00:16:35.670

Adv. Johannes Weapond (IRSA): And that specific exercise will then provide any and all responsible parties with a clear understanding of the gifts, they could all existing within the processing.

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00:16:36.660 --> 00:16:45.810

Adv. Johannes Weapond (IRSA): systems be eat the technology side of things which are the electronic systems or your physical processes your traditional processing method.

68

00:16:46.350 --> 00:16:51.270

Adv. Johannes Weapond (IRSA): And that will always culminate in what we would call a.

69

00:16:52.170 --> 00:17:05.970

Adv. Johannes Weapond (IRSA): framework and that specific popular framework will then be the one that responsible parties are supposed to implement and monitor so that compliance can be improved.

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00:17:06.480 --> 00:17:18.390

Adv. Johannes Weapond (IRSA): And insane all of this, colleagues, it gives me great pleasure to hand over to our executives and so that day and that the end the team that they have selected in the form of Mr magoo Bella.

71

00:17:19.260 --> 00:17:34.320

Adv. Johannes Weapond (IRSA): advocate with dd and Muslim Allah can then provide you with an expert position of the information regulator with regards to a certain aspects of yeah Thank you so much, once again, and over to to the team.

72

00:17:36.000 --> 00:17:37.050

Ms Louise Lapan (NSG): Thank you very much.

73

00:17:38.310 --> 00:17:50.430

Ms Louise Lapan (NSG): advocates with burned and for introducing us to the information regulator, so one of our guests this morning was saying we are now in a webinar session two and.

74

00:17:51.270 --> 00:18:03.570

Ms Louise Lapan (NSG): Will that mean that I cannot continue, so please stay and join us for we'd be not to we will cover some of the ground, a few of the slides.

75

00:18:04.320 --> 00:18:21.360

Ms Louise Lapan (NSG): will cover some of the ground that we've shared with you in session one, so you for sure, will not be lost as we progress through webinars to please stay, please engage and please ask the questions to our esteemed panel.



76

00:18:22.800 --> 00:18:34.440

Ms Louise Lapan (NSG): Thank you very much, as well, advocate for raising that issue of group photographs, the implications of Facebook of Twitter and social media accounts.

77

00:18:34.860 --> 00:18:47.370

Ms Louise Lapan (NSG): And, in the main, our session today we're also assists government officials on what these regulations will mean for them as they process personal information.

78

00:18:48.120 --> 00:19:01.710

Ms Louise Lapan (NSG): i'm going to hand over now to advocate from a highly was going to talk about the copier regulations and advocate mohali, can I just check if you change the display settings so that we get.

79

00:19:03.600 --> 00:19:08.760

Ms Louise Lapan (NSG): A full screen like we did, and then over to your advocate mohali.

80

00:19:10.200 --> 00:19:24.240

Ms Louise Lapan (NSG): Ladies and gentlemen, please engage in the checkbox and the q&a the tmr waiting to receive your your your questions, please check the display sitting the advocate mohali over to you.

81

00:19:44.520 --> 00:19:46.140

Ms Louise Lapan (NSG): advocate mohali are you there.

82

00:19:48.450 --> 00:19:49.680

Ms Louise Lapan (NSG): Thank you very much.

83

00:19:52.950 --> 00:19:55.410

Adv. Dirontsho Mohale (IRSA): i'm here Good morning, can you see my screen.

84

00:19:56.040 --> 00:20:00.120

Ms Louise Lapan (NSG): Yes, ma'am Thank you very much, yes, thank you.

85

00:20:01.500 --> 00:20:03.300

Adv. Dirontsho Mohale (IRSA): Good morning, all.

86

00:20:04.080 --> 00:20:18.420

Adv. Dirontsho Mohale (IRSA): advocates and weapons member of the information regulator Good morning, Dr manager tg of the national school of government and all the digits present as well as extinct which guests and.

87

00:20:19.620 --> 00:20:27.750

Adv. Dirontsho Mohale (IRSA): My fellow colleagues at the inflammation regulator so as mentioned before, and today we're going to speak about the.

88

00:20:31.620 --> 00:20:44.400

Adv. Dirontsho Mohale (IRSA): Copyright Act and i'm going to focus on the regulations and I will touch a little bit on the overarching principles of the act.

89

00:20:46.740 --> 00:20:56.970

Adv. Dirontsho Mohale (IRSA): OK, so the purpose of the Act, it is to give effect to the constitutional rights to privacy of all data subjects data subjects meaning.

90

00:20:57.420 --> 00:21:06.150

Adv. Dirontsho Mohale (IRSA): natural persons, as well as touristic persons, and this is in balance in the rights of privacy against.

91

00:21:06.780 --> 00:21:20.880

Adv. Dirontsho Mohale (IRSA): All other rights, particularly the right of access to information and protecting important interests, including the free flow of information within the Republic of South Africa, as well as outside.

92

00:21:21.930 --> 00:21:37.230

Adv. Dirontsho Mohale (IRSA): So, as I mentioned the role players within PA your data subjects that is your natural and your touristic persons you're responsible party, which are the people that are responsible for.

93

00:21:39.390 --> 00:21:49.260

Adv. Dirontsho Mohale (IRSA): Processing of information, it can be a private or a public body, and it can do it together or with a Nada responsible party.

94

00:21:50.430 --> 00:22:04.470

Adv. Dirontsho Mohale (IRSA): And then you have the operator who is the person also natural touristic who process person processes personal information for a responsible party in terms of a contract or a mandate.

95

00:22:05.190 --> 00:22:15.870

Adv. Dirontsho Mohale (IRSA): And it is important to note that we have eight conditions of lawful processing just an overview you've got your accountability.

96

00:22:16.770 --> 00:22:30.660

Adv. Dirontsho Mohale (IRSA): As in how is it that you are complying with the act in total, and then we go into the specific sections were conditioned to is processing limitation, ensuring that we do not.

97

00:22:32.160 --> 00:22:34.470

Adv. Dirontsho Mohale (IRSA): process beyond that which we need.

98

00:22:35.490 --> 00:22:50.040

Adv. Dirontsho Mohale (IRSA): also add purpose specification, we must specify the purpose for which we are processing people's personal information further processing, we should not go beyond that purpose that we have stated.

99

00:22:50.610 --> 00:22:56.460

Adv. Dirontsho Mohale (IRSA): In our initial collection, then we have information quality, ensuring that we keep information up to date.

100

00:22:57.990 --> 00:23:04.950

Adv. Dirontsho Mohale (IRSA): and accurate at all times openness is a transparency condition to ensure that we.

101

00:23:06.030 --> 00:23:20.580

Adv. Dirontsho Mohale (IRSA): are open with data subjects as well as other interested parties in terms of what information we are collecting how we are collecting it, if any, are we sharing it with anybody or even transferring it outside South Africa.

102

00:23:21.750 --> 00:23:39.720

Adv. Dirontsho Mohale (IRSA): Security safeguards is a seventh condition, and it is to ensure that responsible parties retain information or share information in a secure manner that does not infringe on the data subjects right to privacy.

103

00:23:41.010 --> 00:23:46.770

Adv. Dirontsho Mohale (IRSA): And in that we also have one of the most important is a data subject participation.

104

00:23:47.790 --> 00:24:00.990

Adv. Dirontsho Mohale (IRSA): that the data subjects, should be able to consent or where information is being processed on other local grants, they should be able to request that information be recorded accurately and.

105

00:24:02.130 --> 00:24:06.780

Adv. Dirontsho Mohale (IRSA): deleted where they no longer want the information to be processed right.

106

00:24:08.370 --> 00:24:22.710

Adv. Dirontsho Mohale (IRSA): So the input implications of PR for government department is pretty much the same as with all other responsible parties the act applies indiscriminately to public bodies, as well as private bodies.

107

00:24:24.570 --> 00:24:33.900

Adv. Dirontsho Mohale (IRSA): And there are certain exemptions that are enjoyed by public bodies will find those in section six and in section 38.

108

00:24:34.710 --> 00:24:57.330

Adv. Dirontsho Mohale (IRSA): And, as I mentioned, I am just going through this to remind people what was happening in the previous webinar my main focus today is on the regulations and I will touch on the aspects that I think are vital for a public body also responsible party to be aware of.

109

00:24:58.530 --> 00:25:09.570

Adv. Dirontsho Mohale (IRSA): So, as I mentioned that we have the data subject participation, I will start with section 11 which speaks on consent justification and objection.

110

00:25:09.870 --> 00:25:19.950

Adv. Dirontsho Mohale (IRSA): So we need to have a lawful ground, upon which we can base our processing of personal information and in terms of the objection.

111

00:25:20.550 --> 00:25:31.470

Adv. Dirontsho Mohale (IRSA): Of a data subject you'll find that also in section 11 it did a subject matter object at any time to the processing of their personal information in terms of subsection.

112

00:25:31.950 --> 00:25:48.420

Adv. Dirontsho Mohale (IRSA): One D to F of Section 11 in a prescribed manner on reasonable grants related to his or her particular situation unless, ladies and gentlemen, legislation provides for such processing if, in the instance that we have.

113

00:25:49.470 --> 00:26:06.900

Adv. Dirontsho Mohale (IRSA): A legal obligation to process information and should we not process that information as a responsible party, you will be non compliant with that one, we need to process that information and the data static cannot object to that processing of information.

114

00:26:08.970 --> 00:26:13.500

Adv. Dirontsho Mohale (IRSA): There is a form that a data subject can complete.

115

00:26:14.610 --> 00:26:20.400

Adv. Dirontsho Mohale (IRSA): In the regulation that they can request us from the responsible party.

116

00:26:22.020 --> 00:26:27.600

Adv. Dirontsho Mohale (IRSA): And that's your information in general right, then we have in session 69.

117

00:26:28.710 --> 00:26:46.110

Adv. Dirontsho Mohale (IRSA): Specifically speaking to direct marketing by means of unsolicited electronic communications, I know there's a lot on the screen do not fear and we're not going to go through that line by line as just to bring to your attention, what it is that we are speaking about so in terms of.

118

00:26:47.280 --> 00:26:49.530

Adv. Dirontsho Mohale (IRSA): The data subjects right to object.

119

00:26:50.880 --> 00:27:06.150

Adv. Dirontsho Mohale (IRSA): When we are direct marketing, we need to ensure that we have consent in terms of subsection one and we need to ensure that data subject has not with health such consent.

120

00:27:07.200 --> 00:27:19.740

Adv. Dirontsho Mohale (IRSA): And then, where we in subsection three are dealing with an existing customer, we need to ensure that when we do direct market to them, they have also not previously.

121

00:27:20.760 --> 00:27:27.990

Adv. Dirontsho Mohale (IRSA): opted out objected to the processing of their personal information and they must be given an opportunity.

122

00:27:28.380 --> 00:27:37.200

Adv. Dirontsho Mohale (IRSA): In each communication to object to that information being processed so those those are basically the sections that are dealing with objecting of.

123

00:27:37.680 --> 00:28:00.330

Adv. Dirontsho Mohale (IRSA): Processing to personal information by by data subjects, the next topic that I would like to touch on is our information officers right so in terms of puppy and Paya by a public body must appoint a information officer and the default.

124

00:28:01.350 --> 00:28:15.060

Adv. Dirontsho Mohale (IRSA): position for information officer is always your head of the body, so this, I will take you through now who can be designated the information officer, which is the head of that.

125

00:28:16.830 --> 00:28:30.870

Adv. Dirontsho Mohale (IRSA): body can designate to another person and that person in terms of pop here, ideally, can only take up the Treaty after the responsible party has been registered with the regulator, we had.

126

00:28:31.290 --> 00:28:40.650

Adv. Dirontsho Mohale (IRSA): Issues technical issues with the registration of information officers, as well as deputy information officers with our portal, we are not.

127

00:28:42.120 --> 00:28:56.160

Adv. Dirontsho Mohale (IRSA): Processing all those applications manually and the address is on our website should you require in terms of who can be a information officer within the public body.

128

00:28:57.630 --> 00:29:03.450

Adv. Dirontsho Mohale (IRSA): At national department, it can be the Director General or the person acting as a Director General.

129

00:29:05.130 --> 00:29:11.370

Adv. Dirontsho Mohale (IRSA): Your Presidency or national government component we've got also Your Director General.

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00:29:12.000 --> 00:29:27.630

Adv. Dirontsho Mohale (IRSA): At provincial department which was head of department we've got the Director General or acting person at the office of the premier your municipal manager at the municipality, and your chief executive officer in public institutions.

131

00:29:28.830 --> 00:29:32.700

Adv. Dirontsho Mohale (IRSA): and also those persons that are acting in that role.

132

00:29:33.840 --> 00:29:42.630

Adv. Dirontsho Mohale (IRSA): So what is the role of an information officer in terms of PA as well as pyre it is to encourage.

133

00:29:43.260 --> 00:29:54.810

Adv. Dirontsho Mohale (IRSA): Compliance with the conditions for lawful processing of personal information, the information officer, ladies and gentlemen, is not responsible for compliance and ensuring that the.

134

00:29:55.140 --> 00:30:10.260

Adv. Dirontsho Mohale (IRSA): organization complies with the lawful but to encourage and enable the public body to comply with the processing of personal information they also need to conduct a personal information impact assessment.

135

00:30:11.340 --> 00:30:22.410

Adv. Dirontsho Mohale (IRSA): advocate weapons spoke to this earlier when he was introducing us to say that this is necessary for the public body to be able to understand what is it that they are.

136

00:30:22.950 --> 00:30:33.750

Adv. Dirontsho Mohale (IRSA): processing information for and how do they need to comply with the PA so what measures do they need to put in place to ensure that they comply and.

137

00:30:34.770 --> 00:30:38.310

Adv. Dirontsho Mohale (IRSA): Before that this needs to be done before they actually start with the processing.

138

00:30:39.450 --> 00:30:51.120

Adv. Dirontsho Mohale (IRSA): Then there are requests that the data subject, or even the regulator can make to the public body and the information officer within act as a contact person.

139

00:30:52.230 --> 00:30:58.290

Adv. Dirontsho Mohale (IRSA): They would need to ensure that our compliance framework is developed implemented monitored and maintained.

140

00:30:58.680 --> 00:31:14.790

Adv. Dirontsho Mohale (IRSA): So this is an ongoing process it's not a one off thing just maintain drafting the framework but also making sure that as the organization matures and its compliance with the legislation and as processing changes.

141

00:31:15.210 --> 00:31:19.920

Adv. Dirontsho Mohale (IRSA): Because we are we're living in an in an environment where things are changing regularly.

142

00:31:20.340 --> 00:31:37.410

Adv. Dirontsho Mohale (IRSA): and to ensure that the framework, as always, updated and so and we need to ensure as information officer, that the framework is monitored and being adhered to, so it's a living document, it needs to be fit for purpose right.

143

00:31:38.340 --> 00:31:42.450

Adv. Dirontsho Mohale (IRSA): or inflammation Office also has to ensure that the pyre manual is.

144

00:31:43.170 --> 00:32:00.810

Adv. Dirontsho Mohale (IRSA): developed and like with the framework, it also needs to be monitored maintain and, most importantly, it needs to be made available to anybody who may seek it and how it is made available, the legislative legislation does not prescribe but most.

145

00:32:02.760 --> 00:32:21.570

Adv. Dirontsho Mohale (IRSA): responsible parties have the pyre manual published on their website which where it can be accessed 24 seven and it also can be accessed most organizations as well from members of the public or persons coming into the office physically to request us.

146

00:32:23.490 --> 00:32:23.760

Adv. Dirontsho Mohale (IRSA): either.

147

00:32:25.980 --> 00:32:36.990

Adv. Dirontsho Mohale (IRSA): aspects of the information officer, yes, they are liable, they can and conviction be held criminally liable for specified offenses those will be found in the.

148

00:32:37.560 --> 00:33:00.240

Adv. Dirontsho Mohale (IRSA): act as well and appear as well as in pyre and appear specifically empowers enforcement committee to make any recommendation to the regulator, that is necessary for the regulator to ensure that the organization complies with.

149

00:33:01.350 --> 00:33:03.960

Adv. Dirontsho Mohale (IRSA): PR PA as well as with pyre.

150

00:33:05.460 --> 00:33:10.650

Adv. Dirontsho Mohale (IRSA): I didn't mention earlier that the information officer can.

151

00:33:11.970 --> 00:33:18.450

Adv. Dirontsho Mohale (IRSA): designate at least some some of the responsibility to a deputy information officer.

152

00:33:19.200 --> 00:33:34.680

Adv. Dirontsho Mohale (IRSA): So each public body mass at least have one person appointed as a deputy information officer, as is necessary to render the public body as accessible as reasonably possible for requesters of its record.

153

00:33:35.010 --> 00:33:43.920

Adv. Dirontsho Mohale (IRSA): So if the public body is quite small and they need not have five deputy information officer, as with larger.

154



00:33:44.670 --> 00:34:00.810

Adv. Dirontsho Mohale (IRSA): ids but depends on what information and how the information will be requested, they should they have the discretion to decide how many deputy information offices that they need to have, there are some conditions to.

155

00:34:01.920 --> 00:34:11.010

Adv. Dirontsho Mohale (IRSA): The Deputy information officers, it can only be an improved you for multinational companies and.

156

00:34:12.360 --> 00:34:22.380

Adv. Dirontsho Mohale (IRSA): And I suppose we don't have that in the public body this person must be situated within South Africa, the appointment has to be in writing.

157

00:34:23.580 --> 00:34:34.770

Adv. Dirontsho Mohale (IRSA): And it is recommended that it also form part of the job description, so that they can be held accountable for all the duties that they need to perform, and these duties are.

158

00:34:35.250 --> 00:34:50.040

Adv. Dirontsho Mohale (IRSA): determined by the information officer this person also needs to be given sufficient time adequate resources and the financial means to be able to do their job they need to have a certain level of authority.

159

00:34:50.400 --> 00:35:06.540

Adv. Dirontsho Mohale (IRSA): And it is recommended that they report to the highest management level and that they also themselves be at a management level management means different things to different organizations, but if we're looking at a.

160

00:35:08.010 --> 00:35:21.270

Adv. Dirontsho Mohale (IRSA): CEO in the deputy officer would obviously be a person who is on the Executive Committee of the organization and the person needs to have reasonable understanding of PA as well as higher.

161

00:35:22.290 --> 00:35:31.560

Adv. Dirontsho Mohale (IRSA): so that they can what they understand of the business operations and processes, be able to align and accurately.

162

00:35:32.700 --> 00:35:37.260

Adv. Dirontsho Mohale (IRSA): Ensure that the company complies with both poppier and pyre.

163

00:35:37.620 --> 00:35:55.470

Adv. Dirontsho Mohale (IRSA): They do not need to be experts in this, but they need to have reasonable understanding of the requirements of the legislation and, obviously, they would need to

be given training and training is ongoing, I think, data privacy globally, is a new discipline and that is constant.

164

00:35:56.640 --> 00:36:03.900

Adv. Dirontsho Mohale (IRSA): information flows is constant new information coming in, so this person needs to have that training, it is quite vital.

165

00:36:05.040 --> 00:36:11.250

Adv. Dirontsho Mohale (IRSA): So that's it on deputy information officers like to touch briefly on the code of conduct.

166

00:36:12.300 --> 00:36:18.300

Adv. Dirontsho Mohale (IRSA): So what Pierre requires that or allows responsible parties to.

167

00:36:19.440 --> 00:36:22.530

Adv. Dirontsho Mohale (IRSA): Have it a code of conduct that will.

168

00:36:24.240 --> 00:36:26.820

Adv. Dirontsho Mohale (IRSA): Basically, not necessarily exempt them but.

169

00:36:28.110 --> 00:36:30.960

Adv. Dirontsho Mohale (IRSA): allowed the persons that are.

170

00:36:32.010 --> 00:36:44.940

Adv. Dirontsho Mohale (IRSA): bound by that code of conduct to comply with popular through that code of conduct, so the Code of Conduct might incorporate all the lawful processing of personal information cannot.

171

00:36:46.080 --> 00:36:58.500

Adv. Dirontsho Mohale (IRSA): Just choose some because the people bound by the code will be following that code, the Code of Conduct mass prescribed how these conditions for lawful processing are to be applied and complied.

172

00:36:59.670 --> 00:37:03.000

Adv. Dirontsho Mohale (IRSA): complied with in this specific sector.

173

00:37:04.380 --> 00:37:20.700

Adv. Dirontsho Mohale (IRSA): So a code of conduct may apply in relation to any one or more of the following, so it has to be specified information or class of information by D or class of bodies activities activities as as mentioned them.

174

00:37:21.930 --> 00:37:26.490

Adv. Dirontsho Mohale (IRSA): And the code of conduct and also has to.

175

00:37:27.630 --> 00:37:28.290

Adv. Dirontsho Mohale (IRSA): be something.

176

00:37:30.000 --> 00:37:31.020

Adv. Dirontsho Mohale (IRSA): Okay, so.

177

00:37:32.400 --> 00:37:44.790

Adv. Dirontsho Mohale (IRSA): it's in terms of applying the process to apply for a code of conduct to be approved by the regulator, the responsible party must complete a specific form and.

178

00:37:46.200 --> 00:37:58.590

Adv. Dirontsho Mohale (IRSA): For the Code of Conduct provide the code of conduct as they proposed to the regulator and in their provide what type of information and how they are going to.

179

00:37:59.430 --> 00:38:12.060

Adv. Dirontsho Mohale (IRSA): comply with this, as mentioned in the previous slide when the regulator receives the proposed code of conduct, it has to send this out for public comments the code of conduct will be.

180

00:38:13.470 --> 00:38:20.280

Adv. Dirontsho Mohale (IRSA): published in the Government Gazette as well as on the regular regulators website and.

181

00:38:21.030 --> 00:38:41.940

Adv. Dirontsho Mohale (IRSA): The public has given some time to comment and within 13 weeks from the publication of the proposed code of conduct the regulator has to give us decision whether it will approve the code of conduct or it rejects it and the applicant responsible party would need to apply a game.

182

00:38:45.480 --> 00:38:49.410

Adv. Dirontsho Mohale (IRSA): And then the other method that we would like to discuss in.

183

00:38:50.430 --> 00:38:59.070

Adv. Dirontsho Mohale (IRSA): The regulation is consent consent, I touched a little bit on it in earlier when I speaking about section.

184

00:39:00.330 --> 00:39:02.790

Adv. Dirontsho Mohale (IRSA): 11 consent as.

185

00:39:04.110 --> 00:39:16.440

Adv. Dirontsho Mohale (IRSA): A ground for lawful processing of personal information and consent must be given voluntarily a mass be specific and it must be informed.

186

00:39:16.860 --> 00:39:37.020

Adv. Dirontsho Mohale (IRSA): If we go into section 18 it says that we need when we are collecting information we need to disclose to the data subject what information we are collecting what we are collecting it for how we're going to process it and if we are going to share it with anybody the.

187

00:39:39.390 --> 00:39:56.940

Adv. Dirontsho Mohale (IRSA): consent must be given freely, you cannot expect a person that is under your control or your influence to consent free to certain things, this would be mostly found in a.

188

00:39:57.720 --> 00:40:14.790

Adv. Dirontsho Mohale (IRSA): employer employee relationship where the employer will request the data subject to the employee to consent to certain activities when they don't really have a choice because, should they not consent, then they will fear that their job is at stake.

189

00:40:16.020 --> 00:40:30.930

Adv. Dirontsho Mohale (IRSA): The consent, ladies and gentlemen, also has to be specific, we cannot be vain to say that we will use your information to further the activities of the responsible party, no, it has to be said that we will use this for.

190

00:40:32.520 --> 00:40:40.440

Adv. Dirontsho Mohale (IRSA): If we're getting your tax information we're getting your tax information so that we can comply with sides and pay your tax over to.

191

00:40:40.740 --> 00:40:55.050

Adv. Dirontsho Mohale (IRSA): size, we will keep your information for so long, so in that there was a saying that you need to inform them allow the person to make an informed decision and it will help us in a very long way.

192

00:40:56.340 --> 00:41:03.540

Adv. Dirontsho Mohale (IRSA): So, in terms of consent and, as I mentioned earlier, it is one of the lawful grants for processing of information.

193

00:41:04.020 --> 00:41:14.130

Adv. Dirontsho Mohale (IRSA): And a minor child cannot consent to any processing of information, and I saw that quite a few people here are from.

194

00:41:14.520 --> 00:41:27.750

Adv. Dirontsho Mohale (IRSA): Our have legal background so minor child is not considered to have legal capacity and they can also not make decisions and one of the things that we need to consider is that when it comes to perhaps the.

195

00:41:30.750 --> 00:41:38.670

Adv. Dirontsho Mohale (IRSA): medical treatment and other decisions in the child can consider today or treatment without the requirement.

196

00:41:39.240 --> 00:41:53.160

Adv. Dirontsho Mohale (IRSA): For a legal guardian or a parent to be there, but prepare does not allow for that child who's under 18 to consent to the processing of the information so a responsible party would need to balance those.

197

00:41:53.970 --> 00:42:05.310

Adv. Dirontsho Mohale (IRSA): Because remember PA as principles based you need to as a responsible party make a decision in terms of how you're going to deal with that so.

198

00:42:06.630 --> 00:42:13.080

Adv. Dirontsho Mohale (IRSA): The other grants for lawful processing are mentioned, there and specific to.

199

00:42:13.980 --> 00:42:20.790

Adv. Dirontsho Mohale (IRSA): public bodies, the the processing is necessary for proper performance of public law duty by a public body.

200

00:42:21.090 --> 00:42:36.630

Adv. Dirontsho Mohale (IRSA): So there are instances where we can lawfully process information as responsible parties without having consent of a data subject, but it has to be quite clear when we put that in our.

201

00:42:37.530 --> 00:42:46.620

Adv. Dirontsho Mohale (IRSA): personal information impact assessment that that is the basis upon which we operate in that specific information, it is not on all grants that we can use that.

202

00:42:47.610 --> 00:42:57.540

Adv. Dirontsho Mohale (IRSA): So that's that's that on consent and then popular also speaks about complaints and complex to the responsible party being the public body.

203

00:42:59.280 --> 00:43:10.830

Adv. Dirontsho Mohale (IRSA): Although the regulation says that anybody any person can complain to the regulator and I think it would be in terms of other legislation that.

204

00:43:11.340 --> 00:43:20.160

Adv. Dirontsho Mohale (IRSA): is protecting consumers, it would be wise for the responsible party to encourage people to complain to them and exhaust.

205

00:43:20.820 --> 00:43:35.610

Adv. Dirontsho Mohale (IRSA): Internal complaint resolution process, and they can also be complaining to the information officer or the deputy information officer, as seen by the responsible party ever as mentioned complacency regulator.

206

00:43:37.200 --> 00:43:48.480

Adv. Dirontsho Mohale (IRSA): Any person may submit a complaint to the regular term it will be in this prescribed form and the oxy me to in detail provide what it is that they.

207

00:43:49.290 --> 00:43:56.640

Adv. Dirontsho Mohale (IRSA): view as interfering with the protection of the personal information or another person's personal information.

208

00:43:56.940 --> 00:44:13.410

Adv. Dirontsho Mohale (IRSA): And, ladies and gentlemen, there we need to ensure that way you complain as a another person and not the data subject, who is directly impacted by the interference of the information you have a lawful ground or.

209

00:44:14.490 --> 00:44:32.910

Adv. Dirontsho Mohale (IRSA): As we call it local standing, you have the authority and you are competent to act on that person's behalf, because as a regulator, we need to ensure that we do not flat our own legislation by loving and sharing information with you on another person, then.

210

00:44:33.960 --> 00:44:43.170

Adv. Dirontsho Mohale (IRSA): When when you complain you're obviously going to give us the person's name you're going to give us other personal information and with that it falls into the ambit of the.

211

00:44:44.430 --> 00:44:48.630

Adv. Dirontsho Mohale (IRSA): Top here and we need to ensure that we also comply with that so.

212

00:44:51.180 --> 00:45:03.030

Adv. Dirontsho Mohale (IRSA): As I mentioned earlier that the complaint would need to be in a specific prescribed format and the regulator will then on receipt of that complaint.

213

00:45:04.080 --> 00:45:16.230

Adv. Dirontsho Mohale (IRSA): conducted pre investigation witness history and the regulator can act as a conciliator and ensure that there's an amicable solution between the responsible party and the data subject.

214

00:45:17.220 --> 00:45:27.180

Adv. Dirontsho Mohale (IRSA): And also decide to take no action and conducted a full investigation or refer the complaint to the enforcement committee, there are instances in terms of.

215

00:45:29.520 --> 00:45:30.570

Adv. Dirontsho Mohale (IRSA): due process.

216

00:45:30.780 --> 00:45:33.210

Adv. Dirontsho Mohale (IRSA): Where the regulator has no jurisdiction.

217

00:45:33.450 --> 00:45:35.880

Adv. Dirontsho Mohale (IRSA): Or the regulator does not regard.

218

00:45:35.940 --> 00:45:47.070

Adv. Dirontsho Mohale (IRSA): It does not even have enough information for it to make a decision or take action, sometimes there are people who complain and do not give us enough information.

219

00:45:48.180 --> 00:45:53.910

Adv. Dirontsho Mohale (IRSA): or even the responsible parties identity and without that we cannot go further with that complaint.

220

00:45:56.310 --> 00:46:07.560

Adv. Dirontsho Mohale (IRSA): And then, for the purpose of investigating a complaint, the regulator has powers to salmon and and force appearance of persons before the regulator.

221

00:46:08.370 --> 00:46:30.210

Adv. Dirontsho Mohale (IRSA): The regulator has the authority to administer earth we can enter and search any premises and we can also search and sees obviously with the lawful warrant and sees any recording equipment, we we suspect personal information is being.

222

00:46:31.380 --> 00:46:41.220

Adv. Dirontsho Mohale (IRSA): recorded on retained on and, ladies and gentlemen, without batch more, that is my presentation for this morning.

223

00:46:42.600 --> 00:46:50.850

Adv. Dirontsho Mohale (IRSA): And I would like to hand over to my colleague advocate and Deborah Molar who's going to speak to.

224

00:46:52.260 --> 00:46:57.990

Adv. Dirontsho Mohale (IRSA): The other aspects of the presentation, thank you missile upon.

225

00:46:59.430 --> 00:47:08.880

Ms Louise Lapan (NSG): Thank you very much, advocate my highly and there's a number of questions in the chat box and we are taking notes of it, one of the big questions.

226

00:47:09.930 --> 00:47:22.530

Ms Louise Lapan (NSG): Is the presentations if if the guests, will be able to access the presentations we are indicating that as a yes, and we are going to.

227

00:47:23.040 --> 00:47:30.780

Ms Louise Lapan (NSG): email the presentations to the emails that our guests have provided on the registration form.

228

00:47:31.230 --> 00:47:38.550

Ms Louise Lapan (NSG): So all the questions relating to having access to the presentation and having access to.

229

00:47:38.910 --> 00:47:50.760

Ms Louise Lapan (NSG): The recording of the sessions, please note the industry will make that information available to you on the emails that you've provided at the registration form.

230

00:47:51.630 --> 00:48:10.230

Ms Louise Lapan (NSG): and Muslim Allah can I please check if you would put the slide on slideshow and then I would like to welcome you to talk about the exemptions from the conditions for lawful processing of personal information over to your Muslim Allah.

231

00:48:11.370 --> 00:48:30.480

Ms. Deborah Lamola (IRSA): Thank you very much, Miss nipple and upon as keys and greetings to everyone who is in the in the in the webinar and, in particular, respectfully to the distinguished guests, and thank you very much for from.

232

00:48:32.070 --> 00:48:42.810

Ms. Deborah Lamola (IRSA): advocate mahalo and I think you have actually lead and a beautiful foundation and mine will be just to go to the specifics.

233

00:48:43.230 --> 00:48:52.170



Ms. Deborah Lamola (IRSA): On exemptions from the conditions for lawful processing of information and, ladies and gentlemen, manual realize that.

234

00:48:52.890 --> 00:49:04.950

Ms. Deborah Lamola (IRSA): Even when advocate a weapon was he was introducing us as a regulator, he did mention that one of the complexities of copia involves.

235

00:49:05.310 --> 00:49:19.830

Ms. Deborah Lamola (IRSA): The need to cross reference a the PCs or pro provides us so for one to finally gets to to comply in the in the correct way, so our focus today, though.

236

00:49:20.310 --> 00:49:32.940

Ms. Deborah Lamola (IRSA): and his own exemptions, so if we look at exemption copia we do find that section 36 provides that personal a processing or personnel information.

237

00:49:33.210 --> 00:49:44.520

Ms. Deborah Lamola (IRSA): Is not in breach of your condition for the processing of information on two conditions there is when the regulator grants and exemption in terms of Section 37.

238

00:49:44.940 --> 00:49:58.770

Ms. Deborah Lamola (IRSA): On if the processing is in accordance with section eight and this more or less is what this presentation will all be about and TT there is also asking.

239

00:50:00.720 --> 00:50:12.390

Ms. Deborah Lamola (IRSA): It can anyone be free from an obligation or liability imposed on us and well basically that's what exempted means so, but we will now be talking.

240

00:50:13.020 --> 00:50:28.230

Ms. Deborah Lamola (IRSA): To that and basically we will our topic will reflect on what exemptions are the eight conditions for local processing and to, why should sit in a parties or responsible parties be exempted.

241

00:50:28.740 --> 00:50:47.220

Ms. Deborah Lamola (IRSA): From comply and how should the responsible party know that they should apply for exemption or not, and what should the responsible party do to be exempted and model is, we will touch on those things that are really to fit to be exempted a is there a yearly.

242

00:50:49.650 --> 00:50:55.440

Ms. Deborah Lamola (IRSA): Now we will encounter this common ways i'm just you know just mentioning them so that.

243

00:50:55.800 --> 00:51:02.160

Ms. Deborah Lamola (IRSA): When I say puppy and we know that will replace we talking about protection of personal information act, as you know it.

244

00:51:02.490 --> 00:51:12.030

Ms. Deborah Lamola (IRSA): Where the detects refers to rp and we're talking about the responsible party there's also the guidance note on exemptions from conditions for lawful.

245

00:51:12.840 --> 00:51:23.490

Ms. Deborah Lamola (IRSA): processing or personal information which is a on the regulator's website and in this presentation will just be referring to eat as the guidance node.

246

00:51:23.880 --> 00:51:39.960

Ms. Deborah Lamola (IRSA): And that has object or data subject as as me say it just means a person to whom personal information relates, and that has been also elaborately explained by advocate mohali just prior to this.

247

00:51:41.190 --> 00:51:43.740

Ms. Deborah Lamola (IRSA): And we need to be asking now.

248

00:51:45.240 --> 00:51:52.620

Ms. Deborah Lamola (IRSA): What are the exemptions their conditions that has that input PR to leave certain responsible parties from the obligations.

249

00:51:52.920 --> 00:52:03.600

Ms. Deborah Lamola (IRSA): of complying with the eight conditions for level processing of personal information, this has been touched a outline in the previous presentation, but are also.

250

00:52:03.900 --> 00:52:13.560

Ms. Deborah Lamola (IRSA): Just for emphasis outline them in this one, so now Chapter four PA as you go in the in your edge, it will find that it deals with this.

251

00:52:13.890 --> 00:52:26.070

Ms. Deborah Lamola (IRSA): exemptions that we're talking about in the general producer is that of Section 36 which, as I said just a while ago, and that it speaks to condition a.

252

00:52:26.400 --> 00:52:38.520

Ms. Deborah Lamola (IRSA): Which is that the regulator mask rent a responsible party exemption in terms of Section 37 all the processing of the responsible party must be in accordance with section 38.

253

00:52:39.990 --> 00:52:44.250

Ms. Deborah Lamola (IRSA): Now, why should set and responsible parties be exempted from complying.

254

00:52:46.560 --> 00:52:59.640

Ms. Deborah Lamola (IRSA): You know colloquially one could see the conditions under which they operate or clusters information would make it difficult to comply, or perhaps it may even be unreasonable to expect them to do so info.

255

00:53:00.180 --> 00:53:05.910

Ms. Deborah Lamola (IRSA): But also, it may be that the nature in function as a functions as they perform.

256

00:53:06.780 --> 00:53:17.070

Ms. Deborah Lamola (IRSA): requires them to comply with certain laws and the responsible party and complies with those particular laws, we will pick to be talking to this in the in the presentation.

257

00:53:17.580 --> 00:53:28.410

Ms. Deborah Lamola (IRSA): But then, how should then the responsible party know whether they should apply or not, I think, advocated more highly I really went to details to explain.

258

00:53:28.770 --> 00:53:40.320

Ms. Deborah Lamola (IRSA): And the responsibilities of a response of the irresponsible patty and as some a lot of the other pertinent information, but simply if you're able to check as such and six.

259

00:53:40.620 --> 00:53:54.390

Ms. Deborah Lamola (IRSA): And seven for exclusions and as well as section 3637 and 38 copia one will be able to get a glimpse of how should one know whether they really need to apply or not.

260

00:53:56.130 --> 00:53:56.760

Ms. Deborah Lamola (IRSA): and

261

00:53:59.550 --> 00:54:02.490

Ms. Deborah Lamola (IRSA): What you to be doing to be exempted.

262

00:54:03.720 --> 00:54:11.400

Ms. Deborah Lamola (IRSA): The information regulator is generous with a procedural documents and you'd find that you have a guidance note.

263

00:54:11.760 --> 00:54:20.460

Ms. Deborah Lamola (IRSA): You have an application form now at the stage, I would like to reflect on the application form because there is what the regulator will use.

264

00:54:20.940 --> 00:54:31.440

Ms. Deborah Lamola (IRSA): to determine the conditions that you will be talking about and whether the exemption should be authorized or granted by the regulator or not.

265

00:54:31.740 --> 00:54:40.800

Ms. Deborah Lamola (IRSA): Now, in your have or, if you have perhaps it already applied for this exemption, one would have known i've seen that, but a of the.

266

00:54:41.160 --> 00:54:50.070

Ms. Deborah Lamola (IRSA): Application form requires details of the responsible party, including whether they are public would be a private body, this is important.

267

00:54:50.760 --> 00:55:02.460

Ms. Deborah Lamola (IRSA): And Part B will speak to conditions for their local processing of personnel information now this in the form called a listen gentlemen colleagues and everyone else, it requires.

268

00:55:02.850 --> 00:55:13.260

Ms. Deborah Lamola (IRSA): The applicant to actually indicate tick which of the conditions and for local processing at one requires to be exempted for.

269

00:55:13.680 --> 00:55:20.760

Ms. Deborah Lamola (IRSA): And yeah we have challenges will talk about them later, where you know one needs to be exempted from everything.

270

00:55:21.630 --> 00:55:35.850

Ms. Deborah Lamola (IRSA): Pepsi which has just say it's still one, it will require the applicant to provide reasons why it is necessary for the responsible party to process business information, I mean from the day.

271

00:55:37.470 --> 00:55:41.910

Ms. Deborah Lamola (IRSA): To process information in breach of the conditions now.

272

00:55:43.080 --> 00:55:54.030

Ms. Deborah Lamola (IRSA): it's this part also requires in the application form for the responsible party or applicant to indicate the public interest in the processing of business information.

273

00:55:54.540 --> 00:56:12.450

Ms. Deborah Lamola (IRSA): That outweighs to a substantial extend the violation, with a part of the privacy of the data subject and that could result from such processing, which is now in breach enemas also now a if it finds that there is no space or the.

274

00:56:13.470 --> 00:56:23.550

Ms. Deborah Lamola (IRSA): public interest that are not listed will be touching on them in the in the other slides You then have to specify what other public interest is that.

275

00:56:23.970 --> 00:56:35.580

Ms. Deborah Lamola (IRSA): That will outweigh their violation of the privacy or the you know the processing in breach of the lawful conditions, you also required to indicators as how.

276

00:56:36.030 --> 00:56:50.670

Ms. Deborah Lamola (IRSA): The selected or the specified public interest in the processing a will to a substantial degree or a or a benefit the data subject to we'll talk about this in the coming slides.

277

00:56:52.440 --> 00:57:02.310

Ms. Deborah Lamola (IRSA): You also have pads to see which now speaks to benefit to the data subject Oh, is it that should not just be the data subject that.

278

00:57:02.970 --> 00:57:15.090

Ms. Deborah Lamola (IRSA): should benefit from processing information in breach of the lawful conditioning or conditions that should all it can be a third party that benefits from that a.

279

00:57:15.870 --> 00:57:25.380

Ms. Deborah Lamola (IRSA): Processing in bridge, but the applicant or the responsible party need to specify the nature of the to benefit a to the.

280

00:57:25.830 --> 00:57:35.160

Ms. Deborah Lamola (IRSA): data subject, or to the third party and also explain how that a you know the benefit or the nature of the will be.

281

00:57:35.790 --> 00:57:49.140

Ms. Deborah Lamola (IRSA): To the benefit of the data subject, especially i've highlighted the a to a substantial degree will be talking about the measure of public interest in this one of a substantial degree interest in.

282

00:57:50.190 --> 00:58:00.510

Ms. Deborah Lamola (IRSA): In the slides that follow now just to go into outline part B of the application info, you will notice that just to make it easy to remember.

283

00:58:00.870 --> 00:58:23.610

Ms. Deborah Lamola (IRSA): This has also been outlined by a in the previous presentation by advocate mohali but be requires one to indicate which of the eight conditions shoot one be exempted from and so basically it's accountability and petition processing propose for a better processing information.

284

00:58:26.100 --> 00:58:48.990

Ms. Deborah Lamola (IRSA): and openness yeah just the ones that have been outlined just not to waste time the The big question is, why should one be a board the responsible party be exempted, and we have already highlighted on these two aspects and just to go into the explanations now and.

285

00:58:50.190 --> 00:58:59.760

Ms. Deborah Lamola (IRSA): As we have been touching on the contents of the of the application form, the main thing here is the issue of necessity, we cannot just.

286

00:59:00.390 --> 00:59:12.750

Ms. Deborah Lamola (IRSA): allow any person or as a regulator or two to process in information in breach of the lawful conditions, without any.

287

00:59:13.500 --> 00:59:21.960

Ms. Deborah Lamola (IRSA): Important necessary people's so we that's why, in short, one could say that one, you need to enter indicates necessity.

288

00:59:22.560 --> 00:59:32.520

Ms. Deborah Lamola (IRSA): Now, the first and necessity with what we call, we can call public interest test, because now, you have to indicate the reasons why it is necessary.

289

00:59:33.330 --> 00:59:50.730

Ms. Deborah Lamola (IRSA): To process information by identifying the public interest, now the edge least a few examples of what public interest is, for example, it will indicate and graphically work in just a is literally them here.

290

00:59:51.420 --> 01:00:12.600

Ms. Deborah Lamola (IRSA): To say that it's national security issues prosecution of offenses protecting financial interests of the public body compliance with legal provisions a all for historical statistical or research activities and perhaps also incorporating issues of freedom of expression.

291

01:00:14.250 --> 01:00:16.980

Ms. Deborah Lamola (IRSA): Now the issue of public interest.

292

01:00:18.000 --> 01:00:31.680

Ms. Deborah Lamola (IRSA): Is a bit catching so we want to give a bit of a zoom into it at the stage and because it is being said that public interest and in many sources, you know it cannot be defined.

293

01:00:32.310 --> 01:00:43.170

Ms. Deborah Lamola (IRSA): However, the regulator has attempted to provide a broad indication of what the position of the regulator of the information regulator is in this regard.

294

01:00:43.530 --> 01:00:48.780

Ms. Deborah Lamola (IRSA): And it says that it's a wide and diverse concept that cannot be.

295

01:00:49.500 --> 01:01:01.980

Ms. Deborah Lamola (IRSA): packaged into a limited scope and application and it will vary across a jurisdiction and should be assessed in such and such basis, it is a notion, in other words that an action.

296

01:01:02.580 --> 01:01:13.800

Ms. Deborah Lamola (IRSA): or process or outcome is widely or generally beneficial to the public at large, as opposed to it being beneficial to a few or single entity or persons.

297

01:01:14.100 --> 01:01:30.750

Ms. Deborah Lamola (IRSA): Therefore, it should be accepted in the spirit of equality and justice that seems that sounds a bit you know still brought and a bit vague, however, a Chris wheeler and tried to make it more specific.

298

01:01:31.920 --> 01:01:46.020

Ms. Deborah Lamola (IRSA): and sees that, for example, public officials have an Alma acting obligation to act in the public interest, for example in the Internet in the public interest when they're in government or for the public, as they are their customers.

299

01:01:46.530 --> 01:01:58.500

Ms. Deborah Lamola (IRSA): But also it's you know the other view is that what can be considered public interest it's not necessarily what the public is interested in.

300

01:01:58.890 --> 01:02:13.500

Ms. Deborah Lamola (IRSA): Or what the public will be in favor of and perhaps they're not even aware, or even concerned about it, which can be considered as public interest, which makes the concept quite interesting a very catchy.

301

01:02:14.100 --> 01:02:26.040

Ms. Deborah Lamola (IRSA): example there is when there is an increase in Texas, and it is said to be for public purposes, now that increase it's important for the benefit to benefit the country at.

302

01:02:26.040 --> 01:02:26.550

Ms. Deborah Lamola (IRSA): Large.

303

01:02:26.790 --> 01:02:36.780

Ms. Deborah Lamola (IRSA): hands, who will deem it to be a of a public interest, but generally who becomes ap when we are here that event is going to be increasing.

304

01:02:38.220 --> 01:02:45.690

Ms. Deborah Lamola (IRSA): So now, the issue of public interest goes on to say, if you look at the cartoon day.

305

01:02:46.920 --> 01:03:00.510

Ms. Deborah Lamola (IRSA): You know, it looks like a ball has broken a window and the old lady, there is now saying what do we do now my boy, because now, if we release this information, it might not be in the public interest, so.

306

01:03:01.140 --> 01:03:08.070

Ms. Deborah Lamola (IRSA): You know that goes to say that public interest is quite contextual hands the regulator has to go on.

307

01:03:08.400 --> 01:03:22.740

Ms. Deborah Lamola (IRSA): and make this assessment, when you do apply, but it also depends on your motivation as an applicant or as a responsible party to indicate to the regulator, as we said earlier, how is your.

308

01:03:23.130 --> 01:03:40.110

Ms. Deborah Lamola (IRSA): Processing that is in breach of the lawful conditions now become something that is in the public interest, it depends on how you will explain provide that explanation to the information regulator when you do apply.

309

01:03:44.490 --> 01:03:59.160

Ms. Deborah Lamola (IRSA): Now this second aspect that the regulator will consider prior to exempting of authorizing an exemption is what you call it a benefit to the data subject all to the third party now also, in this case.

310

01:04:01.080 --> 01:04:07.410

Ms. Deborah Lamola (IRSA): prospective applicants or applicants, please specify the nature of the benefits that is to be.

311

01:04:08.010 --> 01:04:18.900



Ms. Deborah Lamola (IRSA): bound to the data subject or third party and explain how those benefits will outweigh to a substantial degree the interference with their privacy.

312

01:04:19.200 --> 01:04:31.020

Ms. Deborah Lamola (IRSA): Of the data of the edge situations are quite a diverse, as we have encountered when you do assessment, so it is quite cagey to even give an example, because they, as we say, you know this.

313

01:04:31.710 --> 01:04:38.790

Ms. Deborah Lamola (IRSA): Most some context to context, but it will depend on the applicant to actually to actually indicate to the regulator.

314

01:04:39.210 --> 01:04:47.100

Ms. Deborah Lamola (IRSA): How this benefits they will will outweigh it must just not outweigh it must outweigh to a substantial degree.

315

01:04:47.520 --> 01:04:52.650

Ms. Deborah Lamola (IRSA): interference with a privacy remember the catch the issue here is that.

316

01:04:52.980 --> 01:05:02.730

Ms. Deborah Lamola (IRSA): You want to process information that is going to violate the privacy of the data subject, and then you requesting the data, the information regulator to actually say.

317

01:05:03.000 --> 01:05:11.880

Ms. Deborah Lamola (IRSA): Allow me to do so, so there is why this tonight is actually a bit I they were they each each has to be a substantial honestly.

318

01:05:12.360 --> 01:05:25.440

Ms. Deborah Lamola (IRSA): And party and which is the last part of the of the of the application form it's just the declaration, where you have to indicate that the information that you provided to the regulator is true and correct.

319

01:05:28.860 --> 01:05:42.930

Ms. Deborah Lamola (IRSA): Now this is just to remind you nature of the benefits really should be a like I emphasized, a substantial degree a you know, for it to interfere with it with it with the privacy of the data subject.

320

01:05:43.680 --> 01:05:54.930

Ms. Deborah Lamola (IRSA): Now what I was talking about is the assessment, just to package, it in one slide is I do will make reference during an assessment of what phobia.

321

01:05:55.320 --> 01:06:08.310

Ms. Deborah Lamola (IRSA): As an act provides, why did the guidance note have indicated to you to do and what you have provided to us in the application form and only after we have considered this.

322

01:06:09.060 --> 01:06:19.440

Ms. Deborah Lamola (IRSA): information can be regulated now make a decision, upon which that in granting of this exemption will be published in a form of a notice.

323

01:06:20.040 --> 01:06:31.230

Ms. Deborah Lamola (IRSA): In terms of Section 37 a one, we should not forget that this can only be done when we have managed to as a regulator to assess that indeed this.

324

01:06:31.710 --> 01:06:41.040

Ms. Deborah Lamola (IRSA): Processing there is in breach, that is in the public interest and involves a public or involves, it should be a benefit to the data subject.

325

01:06:41.490 --> 01:06:53.310

Ms. Deborah Lamola (IRSA): Where you need to perhaps we all, you may have also realized that these two aspect of bracketed or joined by a the word all because it is not in all the cases that.

326

01:06:53.610 --> 01:07:06.990

Ms. Deborah Lamola (IRSA): is something that is in the public interest is also in a been a benefit to the data subject, so we do give cognisance to that aspect, hence the emphasis of the word or in this slide.

327

01:07:09.600 --> 01:07:21.450

Ms. Deborah Lamola (IRSA): Now, if we look at Chapter four, ladies and gentlemen, applicants and everyone exemptions in respect of certain functions is provided for in section eight and.

328

01:07:22.320 --> 01:07:32.070

Ms. Deborah Lamola (IRSA): As the exemptions, I mean the the sections were explained a by advocate my hand, I do not need to go into the man today it's election day the ACS.

329

01:07:32.520 --> 01:07:45.390

Ms. Deborah Lamola (IRSA): responsible party may be exempted from a certain a complaint with certain sections and those those are listed there at section 1115 and 18.

330

01:07:45.870 --> 01:07:56.940

Ms. Deborah Lamola (IRSA): Now level functions for purposes of Section 38 will mean that you are either a public body or you are configured a that is a confession.

331

01:07:57.750 --> 01:08:09.180

Ms. Deborah Lamola (IRSA): functionality on a person in terms of the law, which is performed, with a view of protecting members of the public against these two aspects financial.

332

01:08:09.870 --> 01:08:21.420

Ms. Deborah Lamola (IRSA): financial loss due to dishonesty and other factors day or dishonesty due to malpractice in or other seriously improper on that yet now here we are looking at.

333

01:08:22.200 --> 01:08:38.250

Ms. Deborah Lamola (IRSA): public entities in other bodies and that the deal with issues of investigations or or reflection of fraud and stuff like that, I mean the section is quite self explanatory.

334

01:08:40.620 --> 01:08:58.470

Ms. Deborah Lamola (IRSA): Now, just to remind you that you know when section 38 says it will exempt you from certain functions, it says, for example, where you were supposed to get consent and you're not able to you will be you'll be exempted through section 38.

335

01:08:59.370 --> 01:09:09.210

Ms. Deborah Lamola (IRSA): Or else being not being able to collect information directly from the data subject, which is a requirement to comply with the conditions, but in this case we saying that.

336

01:09:09.720 --> 01:09:20.130

Ms. Deborah Lamola (IRSA): You are exempted from not being able to do so, a further processing to be can be compatible with people's sometimes you process information, but you need to.

337

01:09:20.460 --> 01:09:33.930

Ms. Deborah Lamola (IRSA): adapt the processing to another peoples and, but this is section will exempt you as well as notification to data subject when collecting personnel information.

338

01:09:34.290 --> 01:09:42.390

Ms. Deborah Lamola (IRSA): Now, in in any case, to the extent to which this editor I mean the application of this a property so applies at that.

339

01:09:42.990 --> 01:09:57.360

Ms. Deborah Lamola (IRSA): This exemption to be to accept to should be done to the extent that, and that will be is likely to produce to it discharging of that function that to a request that allows you to be exempted from this.

340

01:09:57.750 --> 01:10:13.170

Ms. Deborah Lamola (IRSA): A con a condition, in other words a way trying to comply with the sections, will make it impossible to discharge your functions, that is, when this section that he may be considered in those circumstances.

341

01:10:14.910 --> 01:10:16.590

Ms. Deborah Lamola (IRSA): Now that is just to.

342

01:10:18.900 --> 01:10:20.940

Ms. Deborah Lamola (IRSA): Explain section 38.

343

01:10:21.990 --> 01:10:31.590

Ms. Deborah Lamola (IRSA): You will realize that you know the transitioning is quite a bit dramatic, because what we're talking about shades a bit of a sensitive and.

344

01:10:32.370 --> 01:10:47.370

Ms. Deborah Lamola (IRSA): provision in poppier sensitive, in a sense that it is, it may not be in the public interest for the regulator to allow any responsible party to be exempted from this particular a provision, although.

345

01:10:48.060 --> 01:10:56.280

Ms. Deborah Lamola (IRSA): Remember that you know sections that there is seven it's a you are exempted if granted from complying with a lawful condition.

346

01:10:57.270 --> 01:11:08.520

Ms. Deborah Lamola (IRSA): Conditions for processing of information, but imagine, and the issue that we, as a country, and many other countries are facing that pertains to.

347

01:11:08.850 --> 01:11:21.780

Ms. Deborah Lamola (IRSA): Information security now, if we look into section 19 and section they do need to have copia they are afraid they're talking about security compromises and as much as you know.

348

01:11:22.770 --> 01:11:35.430

Ms. Deborah Lamola (IRSA): They can be combination of the lawful processing of information, it might not be possible in many circumstances to allow a responsible party, not to ensure.

349

01:11:35.970 --> 01:11:47.400

Ms. Deborah Lamola (IRSA): The integrity integrity and confidentiality of information in its position or under its control so by then, if you look again in such into any to add says that.

350

01:11:49.080 --> 01:11:58.680

Ms. Deborah Lamola (IRSA): It from a section to need to provide for situations where the reasonable grounds to believe that personal information has been accessed or acquired by an.

351

01:11:59.130 --> 01:12:08.550

Ms. Deborah Lamola (IRSA): authorized a person and section 22 and, ladies and gentlemen, colleagues, and everyone if you look at it, it says we need should edit situation of this nature.

352

01:12:08.910 --> 01:12:16.680

Ms. Deborah Lamola (IRSA): Okay, the regulator must be informed so and you also look at a section that you seven three as if i'm correct.

353

01:12:17.250 --> 01:12:28.650

Ms. Deborah Lamola (IRSA): It will tell you that the regulator may impose conditions, other than the ones that you are requesting, to be exempted from, so I think we need to understand that.

354

01:12:29.550 --> 01:12:38.880

Ms. Deborah Lamola (IRSA): We are living in a digital world and we are facing in a global pandemic where information security is.

355

01:12:39.330 --> 01:12:54.780

Ms. Deborah Lamola (IRSA): is really at stake so section 19, in short, will request you to identify a reasonably foreseeable internal and external risk, and this will help you to anticipate in your karen's of risk.

356

01:12:55.170 --> 01:13:11.730

Ms. Deborah Lamola (IRSA): And, but regularly just also verifying that the safeguards that you have implemented as still effective, this is just a tool to ensure that we do not find ourselves having to suffer from any form of security at bridge.

357

01:13:15.510 --> 01:13:24.630

Ms. Deborah Lamola (IRSA): So now, one of the other things is what advocate mahalia alluded to in terms of who is responsible, I will really not a.

358

01:13:25.110 --> 01:13:30.210

Ms. Deborah Lamola (IRSA): indulge into that because we also need to remember this is just a reminder.

359

01:13:30.750 --> 01:13:42.060

Ms. Deborah Lamola (IRSA): that there may be two people or two types of processes yet who deal with information and operator and responsible party and in the definition is made very.

360

01:13:42.840 --> 01:13:57.480

Ms. Deborah Lamola (IRSA): succinct in section one what is critical, if we look into accountability at this stage is to indicate that copia recognizes accountability that's the fundamental condition or principle now.

361

01:13:57.960 --> 01:14:06.450

Ms. Deborah Lamola (IRSA): If we say that we need to exempt people from this for compile complying with accountability, we can.

362

01:14:06.780 --> 01:14:20.250

Ms. Deborah Lamola (IRSA): All decide the same but that may not necessarily be in the public interest, so, in short, stories and gentlemen, we are appealing that as advocate aware points indicated in in the introduction.

363

01:14:20.640 --> 01:14:40.800

Ms. Deborah Lamola (IRSA): And I do when we integrated the sections and we need to cross reference and that may be catchy, but we need to look at how one section affects the other, so that we do not see this as a contradiction, we do not see the producers as a contradiction, but rather as a complementing each other.

364

01:14:43.560 --> 01:14:51.780

Ms. Deborah Lamola (IRSA): With that out like to express a what katie is showing that, as a thank you.

365

01:14:52.950 --> 01:14:58.050

Ms. Deborah Lamola (IRSA): Thank you miss a Lewis, a device i'm handing over to you, thank you.

366

01:14:59.190 --> 01:15:15.720

Ms Louise Lapan (NSG): Thank you very much, Islam Allah for a very detailed presentation, they are a number of questions in the Q amp a and and one question I just like to raise, which we will discuss later, is the issue of.

367

01:15:18.810 --> 01:15:43.230

Ms Louise Lapan (NSG): Information of the employer of the employee to the employer so, for example, an employer wants to know how many of his or her employer years have been vaccinated is that a breach of the poppy let me leave that question for the next speaker so a number of.

368

01:15:44.580 --> 01:15:51.990

Ms Louise Lapan (NSG): Questions are being raised in the chat box and they are attended to, by the executives of the information regulator.

369

01:15:52.830 --> 01:16:06.330

Ms Louise Lepan (NSG): Outside presentation, ladies and gentlemen, is about applications for prior authorization and i'm going to invite Mr nima CC the executive of the year, the.

370

01:16:07.200 --> 01:16:24.000

Ms Louise Lepan (NSG): Public Administration information as to come and talk to us about applications for prior authorization, I think I might have got the name of the acting correctly, please, Mr massey correct me today, please.

371

01:16:27.210 --> 01:16:39.270

Mr. Ntsumbedzeni Nemasisi (IRSA): The morning the program during the morning DG collects from the MSG and morning to member of that information to regulate advocate ribbon.

372

01:16:39.660 --> 01:16:51.480

Mr. Ntsumbedzeni Nemasisi (IRSA): and good morning colleagues of the information the regulator, indeed, this is the application for authorization and papaya it's not under although i'm an executive or pay out because it presenting another popular division.

373

01:16:54.600 --> 01:17:06.270

Mr. Ntsumbedzeni Nemasisi (IRSA): Thank you so much, and after the previous speaker and with so catchy and and all those smileys i'm my presentation does not have those.

374

01:17:07.980 --> 01:17:12.630

Mr. Ntsumbedzeni Nemasisi (IRSA): But it was a good good to the intention thanks a lot for laying the ground, together, we advocate mohali.

375

01:17:13.080 --> 01:17:18.450

Mr. Ntsumbedzeni Nemasisi (IRSA): I will be talking about the top position it's a very complicated process, and most of the people.

376

01:17:18.780 --> 01:17:28.950

Mr. Ntsumbedzeni Nemasisi (IRSA): have been asking a lot of question about this process, so this presentation will deal with what is it that you are required to do in order for you to be prioritized and what are the processes.

377

01:17:29.400 --> 01:17:36.360

Mr. Ntsumbedzeni Nemasisi (IRSA): That require pro plus version, so my discussion i'm looking at the time will be early between our do the introduction.

378

01:17:36.810 --> 01:17:41.580

Mr. Ntsumbedzeni Nemasisi (IRSA): i'll also deal with the issue of processing, what are the processes that are subject to provision.

379

01:17:41.970 --> 01:17:56.850

Mr. Ntsumbedzeni Nemasisi (IRSA): What are the requirements in so far as notification of to the regulator on any information that requires a level of TV and also deal with the issue of suspending processing, while you're waiting for the regulator to make a determination on your.

380

01:17:56.850 --> 01:18:02.880

Mr. Ntsumbedzeni Nemasisi (IRSA): application will deal with the process on how the application for position should be submitted the regulator.

381

01:18:03.300 --> 01:18:11.730

Mr. Ntsumbedzeni Nemasisi (IRSA): And upon receipt of that application would do the timelines within which the absolute the regulators require to complete to process that application.

382

01:18:12.180 --> 01:18:21.420

Mr. Ntsumbedzeni Nemasisi (IRSA): And we also deal with their, what are the criteria, because, as the regulator public entity and therefore we need to be open in our processes would then do the criteria that.

383

01:18:21.840 --> 01:18:26.340

Mr. Ntsumbedzeni Nemasisi (IRSA): The regulator us in processing both application for television.

384

01:18:27.030 --> 01:18:41.070

Mr. Ntsumbedzeni Nemasisi (IRSA): i'll end the presentation, with what are the offenses in instances where in you not comply with the requirement of our provision so dealer the offenses and what are the penalties and that would be the end of the presentation can go to the next slide.

385

01:18:42.660 --> 01:18:51.900

Mr. Ntsumbedzeni Nemasisi (IRSA): Thank you, so the phobia of, as indicated by colleagues aims to promote the protection of personality formation process my public and private bodies.

386

01:18:52.170 --> 01:19:00.180

Mr. Ntsumbedzeni Nemasisi (IRSA): by, amongst others, introducing the minimum requirements for the processing of such information, what are the minimum requirements, those are the a conditional with.

387

01:19:00.450 --> 01:19:16.830

Mr. Ntsumbedzeni Nemasisi (IRSA): advocate mohan has touched on that i'm not going to deal with those because she has dealt with those paid conditions, but those are the key and eight condition that for you to say you comply with phobia you need to be compliant with those eight condition, unless you exempted, so this.

388



01:19:17.850 --> 01:19:28.050

Mr. Ntsumbedzeni Nemasisi (IRSA): Law moore's law has indicated the regulator's amongst others empowers to monitor and enforce compliance by public and private bodies with the provision of phobia next slide please.

389

01:19:30.540 --> 01:19:35.400

Mr. Ntsumbedzeni Nemasisi (IRSA): So, if you look at Section seven it requires public and private board is those are the ones that.

390

01:19:36.420 --> 01:19:43.710

Mr. Ntsumbedzeni Nemasisi (IRSA): Islam Allah indicated, they are responsible to quiet, the responsible party, which intends to process the 10 categories of.

391

01:19:44.190 --> 01:19:51.510

Mr. Ntsumbedzeni Nemasisi (IRSA): Information and these are the information that I classified as obese higher risk processing processing that carries the lobbies.

392

01:19:51.840 --> 01:20:03.840

Mr. Ntsumbedzeni Nemasisi (IRSA): And for those personal dose of personal information, you are required to obtain an elevation from the regulator plan to start processing, so, in other words, currently there are those people who are processing so when.

393

01:20:05.430 --> 01:20:11.910

Mr. Ntsumbedzeni Nemasisi (IRSA): comes into operation You then have to stop processing until such time, your your obtain the vision to process.

394

01:20:12.930 --> 01:20:29.610

Mr. Ntsumbedzeni Nemasisi (IRSA): The Kennedy they are four categories of highways processing of personal information in which peripheral vision is required, although the regulator does a power in terms of session to to to determine every other category that may be subject to provision it's like.

395

01:20:33.810 --> 01:20:43.110

Mr. Ntsumbedzeni Nemasisi (IRSA): So the responsible party, which I indicated to be public or private body mass obtain client acquisition on new ones, except to where the processing depart from.

396

01:20:43.440 --> 01:20:48.090

Mr. Ntsumbedzeni Nemasisi (IRSA): That which has been authorized by the regulator so let's say, for example, you process.

397

01:20:48.570 --> 01:20:59.940

Mr. Ntsumbedzeni Nemasisi (IRSA): Your but different ways of processing personal information, you do not have every time when you intend to process information, but which information falls under the popular vision, they have to every time.

398

01:21:00.450 --> 01:21:11.670

Mr. Ntsumbedzeni Nemasisi (IRSA): submit an application, you make application ones, what is gratis you are a child, want to you know you're allowed to process it forever and today as much as you're responsible to exist.

399

01:21:12.000 --> 01:21:21.870

Mr. Ntsumbedzeni Nemasisi (IRSA): But unless that processing is not depart from what has been authorized, then you can make it a new application, but otherwise the application does not a that the organization does not expire.

400

01:21:23.010 --> 01:21:31.860

Mr. Ntsumbedzeni Nemasisi (IRSA): Unless a code of conduct is be issued by the record and has come into force in a specific sector or industrial sector of society in which is wonderful magical powers.

401

01:21:32.190 --> 01:21:42.240

Mr. Ntsumbedzeni Nemasisi (IRSA): The responsible party is currently processing or intend to process personal information which is subject to provision must submit application prior to the commencement date.

402

01:21:42.510 --> 01:21:51.780

Mr. Ntsumbedzeni Nemasisi (IRSA): of sections here to advocate we're going to touch on the effective date of sections a two hour confirm that the next slide but the important thing about this is that.

403

01:21:52.050 --> 01:22:02.970

Mr. Ntsumbedzeni Nemasisi (IRSA): you've got sectors i'll give an example of banking sectors, so the banking sector may decide to have a code of conduct, we should regulate the way the week personnel information with the process.

404

01:22:03.420 --> 01:22:10.470

Mr. Ntsumbedzeni Nemasisi (IRSA): And if they are code of conduct is approved by the regulator, therefore, none of the banks would be required to submit an application for.

405

01:22:12.300 --> 01:22:16.710

Mr. Ntsumbedzeni Nemasisi (IRSA): The next subject is the processing subject to power provision it's like.

406

01:22:18.540 --> 01:22:24.630

Mr. Ntsumbedzeni Nemasisi (IRSA): So the following a particular supplier is processing of personal information in which client, but I wish it must be okay.

407

01:22:25.020 --> 01:22:29.310

Mr. Ntsumbedzeni Nemasisi (IRSA): I think before I go into those categories, let me explain why do we call them higher risk.

408

01:22:30.000 --> 01:22:37.020

Mr. Ntsumbedzeni Nemasisi (IRSA): Most people will say, but if I have 10 content from the data subject, why should I then the choir to make a plan position.

409

01:22:37.410 --> 01:22:45.450

Mr. Ntsumbedzeni Nemasisi (IRSA): Because this processing has been categorized as haley's it has been of whether you comply with all eight condition, you need to obtain.

410

01:22:46.230 --> 01:22:55.020

Mr. Ntsumbedzeni Nemasisi (IRSA): Your top 10 or fellow visual from the regulator prior to processing those personality information that's because the nature of the processing has been classified as a hires.

411

01:22:55.500 --> 01:22:59.580

Mr. Ntsumbedzeni Nemasisi (IRSA): And it doesn't matter whether you're good content or whether you comply with all its condition.

412

01:22:59.850 --> 01:23:06.480

Mr. Ntsumbedzeni Nemasisi (IRSA): As much as processing falls under those categories, you have to obtain the proposition and the regulator with process such an application.

413

01:23:06.780 --> 01:23:15.450

Mr. Ntsumbedzeni Nemasisi (IRSA): So the first category is there and i'll give it a title example of these categories for now just gonna leave them The first one is the processing of a unique identifier.

414

01:23:16.950 --> 01:23:23.520

Mr. Ntsumbedzeni Nemasisi (IRSA): For people to have a subject for people's other than one for which they identify are specifically intended connected.

415

01:23:23.880 --> 01:23:29.640

Mr. Ntsumbedzeni Nemasisi (IRSA): And, with the aim of linking the information, together with the information processed by the other responsible party.

416

01:23:29.970 --> 01:23:40.830

Mr. Ntsumbedzeni Nemasisi (IRSA): So, in this instance the unique identifier first to your agent number, for example, your account number, please number for you to be able to identify what constitutes a unique identifier.

417

01:23:41.610 --> 01:23:53.670

Mr. Ntsumbedzeni Nemasisi (IRSA): is something that if you punch into the system, it will it will then give you all the personal information of a person so, for example, if you put the castle number of members into the.

418

01:23:54.060 --> 01:24:02.130

Mr. Ntsumbedzeni Nemasisi (IRSA): file system of the government's all my information will come up so that would constitute and unique identifier, because by just putting that.

419

01:24:02.940 --> 01:24:11.160

Mr. Ntsumbedzeni Nemasisi (IRSA): Number my information my address, and everything will appear and all my application so if the processing of the unique identifier, so this different.

420

01:24:11.550 --> 01:24:17.700

Mr. Ntsumbedzeni Nemasisi (IRSA): aspect that you look at this one is that there must be a presence of unique identifier, and they must be done for.

421

01:24:18.360 --> 01:24:25.080

Mr. Ntsumbedzeni Nemasisi (IRSA): Other people's than the one which was intended at collection, but it doesn't end there, there must be a vintage of that information.

422

01:24:25.290 --> 01:24:37.110

Mr. Ntsumbedzeni Nemasisi (IRSA): With the other information process by the other responsible, but the must be true responsible parties and then must be two different purposes, in which the unique identifier has been processed, but I will give a practical example at.

423

01:24:38.160 --> 01:24:45.630

Mr. Ntsumbedzeni Nemasisi (IRSA): The following slides the other category of processing, which is subject to power position is the processing of personal information or data subject.

424

01:24:45.930 --> 01:24:56.640

Mr. Ntsumbedzeni Nemasisi (IRSA): On criminal behavior or our unlawful objectionable call that on behalf of that matches I will deliver give an example, but this is, for example, where for some your plan for environment.

425

01:24:57.090 --> 01:25:05.580

Mr. Ntsumbedzeni Nemasisi (IRSA): and your information is then we are being searched for the opportunity record or not or they're taking a background check So those are the policy which is which.

426

01:25:06.420 --> 01:25:11.910

Mr. Ntsumbedzeni Nemasisi (IRSA): Is it has to be, we need to apply for proper vision but i'll give a practical example on that as well.

427

01:25:12.330 --> 01:25:17.400

Mr. Ntsumbedzeni Nemasisi (IRSA): The other categories, the processing of personal information or data subject for papers of credit reporting.

428

01:25:17.790 --> 01:25:23.700

Mr. Ntsumbedzeni Nemasisi (IRSA): This is actually applicable to the credit bureau, they will just start reading your those entities that are registered with their.

429

01:25:24.030 --> 01:25:28.860

Mr. Ntsumbedzeni Nemasisi (IRSA): National Authority to regulate is a credit bureau for them, for them to process.

430

01:25:29.250 --> 01:25:41.490

Mr. Ntsumbedzeni Nemasisi (IRSA): Our personal information they require platform vision from another it if comfortable next year they've looked up getting a plethora of vision those credit Bureau will have to stop processing our personal information.

431

01:25:42.510 --> 01:25:46.170

Mr. Ntsumbedzeni Nemasisi (IRSA): The last one next slide the last one, which is the bare knuckle.

432

01:25:47.370 --> 01:25:57.750

Mr. Ntsumbedzeni Nemasisi (IRSA): up the category personal information which is subject to plateau visit is the transparency, some personal information or transfer of personal information of children.

433

01:25:58.200 --> 01:26:11.400

Mr. Ntsumbedzeni Nemasisi (IRSA): But that's one special be if you only apply if that turns spell specifies that information represent promotional children if you're transferring to a third party in a foreign country that does not provide adequate level of protection.

434

01:26:11.400 --> 01:26:12.450

Ms. Deborah Lamola (IRSA): for processing have as much.

435

01:26:12.480 --> 01:26:21.120

Mr. Ntsumbedzeni Nemasisi (IRSA): Information as fetching sections of Institute, in other words, if you are transferring a personal information to a concert that does have that an.

436

01:26:22.050 --> 01:26:29.310

Mr. Ntsumbedzeni Nemasisi (IRSA): adequate level of protection, you do not necessarily have to apply for a position, this is only applicable in instances where if.

437

01:26:29.670 --> 01:26:35.400

Mr. Ntsumbedzeni Nemasisi (IRSA): You saw that you, I am sponsored will fight in South Africa, you tend to transfer personal information outside the country.

438

01:26:35.700 --> 01:26:42.510

Mr. Ntsumbedzeni Nemasisi (IRSA): The clinical example will give you a practical example, but most of the instances where in personal information gets transferred from the public.

439

01:26:42.780 --> 01:26:50.850

Mr. Ntsumbedzeni Nemasisi (IRSA): To the other countries is through the cloud where our information gets stored in the cloud and find that this cloud is treated in the other country and the.

440

01:26:51.180 --> 01:26:59.820

Mr. Ntsumbedzeni Nemasisi (IRSA): main issue would be to check whether this card that comes with in the cloud if our information is stored in the cloud is actually stored in the country that has.

441

01:27:00.090 --> 01:27:09.150

Mr. Ntsumbedzeni Nemasisi (IRSA): adequate level of in other than what data protection laws or privacy laws if they don't have that, then you need to apply for collaboration and the regulator will assess.

442

01:27:09.390 --> 01:27:18.030

Mr. Ntsumbedzeni Nemasisi (IRSA): and check whether you should be allowed to transfer such information out outside the country, so this is a very important condition that we need to adhere to.

443

01:27:19.230 --> 01:27:25.050

Mr. Ntsumbedzeni Nemasisi (IRSA): So now i'm going to give the credit card example on each of the four categories that we have, so that we can make these.

444

01:27:25.380 --> 01:27:34.920

Mr. Ntsumbedzeni Nemasisi (IRSA): Processing more understandable because there's been a lot of confusion, a lot of people have submitted application in respect of processing, which does not even fall under those categories.

445

01:27:35.280 --> 01:27:42.090

Mr. Ntsumbedzeni Nemasisi (IRSA): So the first one that we indicated, we said it's when you're processing a unique identifier, of a data subject for a purpose other than.

446

01:27:42.360 --> 01:27:50.910

Mr. Ntsumbedzeni Nemasisi (IRSA): The one for which they identify our services can be intended at collision with the aim of being the information, together with other information process by.

447

01:27:51.630 --> 01:27:58.380

Mr. Ntsumbedzeni Nemasisi (IRSA): The other responsible parties practical examples, so you have but ABC company, which is a financial service provider.

448

01:27:58.740 --> 01:28:07.080

Mr. Ntsumbedzeni Nemasisi (IRSA): it collects your ID number of the ID number with data subject for purpose of providing 20 so you go to the bank and say, I want to apply for.

449

01:28:07.710 --> 01:28:19.590

Mr. Ntsumbedzeni Nemasisi (IRSA): The critics at the Bank so there's an application form the purpose of your application when you give them your ID number is for them, you have your papers for submitted information is for you to get credits.

450

01:28:20.400 --> 01:28:26.340

Mr. Ntsumbedzeni Nemasisi (IRSA): that's the main purpose, why you're giving them your ID number your Pasty your your banking details and and that.

451

01:28:26.640 --> 01:28:37.590

Mr. Ntsumbedzeni Nemasisi (IRSA): The qualification substance of people will find a politician, the reason why you give those personal information, including the ID number is because you want credit so that's the papers eight.

452

01:28:37.980 --> 01:28:49.470

Mr. Ntsumbedzeni Nemasisi (IRSA): And therefore, the bank didn't have the CV application for couples a which is for credit for you to get the bond that then say before grants you an application, but I check your credit witness what do they do, they take your ID.

453

01:28:50.430 --> 01:28:58.770

Mr. Ntsumbedzeni Nemasisi (IRSA): and go and link it with the information that is being processed by a third party was the third party is the credit Bureau so they link your idea with the credit bureau.

454

01:28:59.130 --> 01:29:03.630

Mr. Ntsumbedzeni Nemasisi (IRSA): And that is the clippers be, what is the purpose be is for them to check your.

455

01:29:04.110 --> 01:29:10.800

Mr. Ntsumbedzeni Nemasisi (IRSA): Credit witness so you didn't apply for credit witness you apply for credit, but then the Bank says, before I give you credit.

456

01:29:10.980 --> 01:29:22.110

Mr. Ntsumbedzeni Nemasisi (IRSA): I need to check your credit witness i'll use your unique identifier, to check the credit and they link you with the information that you want to add credit bureau such processing fire personalization.

457

01:29:22.590 --> 01:29:26.700

Mr. Ntsumbedzeni Nemasisi (IRSA): And that's the one example, in which a unique identifier will be linked up.

458

01:29:27.270 --> 01:29:40.080

Mr. Ntsumbedzeni Nemasisi (IRSA): With four other people's than the one which was intended collection by linking with the information that process by the third parties, so in this instance, one person will say but there's no way that you can apply for credits without.

459

01:29:41.520 --> 01:29:49.830

Mr. Ntsumbedzeni Nemasisi (IRSA): Your financial industry checking your credit bureau that's correct, and that was another one of the conditions that is an advocate them either fetching.

460

01:29:50.070 --> 01:29:56.010

Mr. Ntsumbedzeni Nemasisi (IRSA): Is the compatibility of their call Center processing, remember, if you look at the condition that will first to further processing.

461

01:29:56.250 --> 01:30:04.200

Mr. Ntsumbedzeni Nemasisi (IRSA): Is that the initial papers and the second people's must be compatible, for it to be in compliance with the act so that would be the.

462

01:30:04.530 --> 01:30:12.150

Mr. Ntsumbedzeni Nemasisi (IRSA): Ground upon which the regulator, we can such an application for provision to debate to say for you to process personally information because.

463

01:30:12.420 --> 01:30:23.040

Mr. Ntsumbedzeni Nemasisi (IRSA): The nature of the processing is compatible with those multiples and therefore it complies with a one of the air conditioner and that's the ground wide application should be granted next slide please.

464

01:30:27.180 --> 01:30:34.170



Mr. Ntsumbedzeni Nemasisi (IRSA): The next the second processing the example that are given to gather the processing of personal information or data subject.

465

01:30:34.860 --> 01:30:42.270

Mr. Ntsumbedzeni Nemasisi (IRSA): On criminal behavior or unlawful objects table called act on behalf of third parties i'll give the same example of the company ABC.

466

01:30:42.540 --> 01:30:48.600

Mr. Ntsumbedzeni Nemasisi (IRSA): It entails to appoint an employee, but such appointment is subject to the criminal background check is it's very.

467

01:30:49.200 --> 01:30:54.060

Mr. Ntsumbedzeni Nemasisi (IRSA): prevalent in the public sector that before you appoint a person you check the criminal record.

468

01:30:54.330 --> 01:31:01.650

Mr. Ntsumbedzeni Nemasisi (IRSA): would even change the background check where, for example, check whether this person is be charged before we're not actually be taken against this person before.

469

01:31:02.010 --> 01:31:11.280

Mr. Ntsumbedzeni Nemasisi (IRSA): or even the previous contact with that person, so they so it's company a it, you can stop when an employee and such appointment, subject to those a criminal background check.

470

01:31:11.580 --> 01:31:23.940

Mr. Ntsumbedzeni Nemasisi (IRSA): Then the company will then a point company def company is appointed by ABC company to conduct a criminal and background checks on his behalf normally you'll find that as a regulator when.

471

01:31:24.270 --> 01:31:32.100

Mr. Ntsumbedzeni Nemasisi (IRSA): We tend to offend somebody will wind up with another company that conduct background check that also conducted my check to say, please check do the criminal and.

472

01:31:32.700 --> 01:31:41.940

Mr. Ntsumbedzeni Nemasisi (IRSA): Big on check for this employee that we intend to a point, so in this instance, the company that supposed to apply for part of this, and it is not the regulator.

473

01:31:42.480 --> 01:31:50.100

Mr. Ntsumbedzeni Nemasisi (IRSA): Which is the employer, it is the company that is appointed by they were to conduct because they are the company acquainted is the one that.

474

01:31:50.160 --> 01:31:52.590

Mr. Ntsumbedzeni Nemasisi (IRSA): actually supposed to apply for platform.

475

01:31:52.590 --> 01:32:01.140

Mr. Ntsumbedzeni Nemasisi (IRSA): position before it causes, which means that the regulator and when they appoint company be to assist them in collected a check of background check.

476

01:32:01.500 --> 01:32:16.980

Mr. Ntsumbedzeni Nemasisi (IRSA): They need to ensure that, before that, when such company, they need to satisfy themselves that company has obtained a power position from the big lead, in other words, they must prove that they would be authorized to do that way before the regulator upwards that company.

477

01:32:18.540 --> 01:32:19.230

Mr. Ntsumbedzeni Nemasisi (IRSA): Next slide.

478

01:32:21.510 --> 01:32:27.000

Mr. Ntsumbedzeni Nemasisi (IRSA): The fed Do I need a the processing of personal information or data subject for papers of credit reporting.

479

01:32:27.360 --> 01:32:34.290

Mr. Ntsumbedzeni Nemasisi (IRSA): So if you're looking at a given examples that you've got a big companies like experience trans Union very created an ex.

480

01:32:35.040 --> 01:32:51.060

Mr. Ntsumbedzeni Nemasisi (IRSA): Ex ex DS these are registered credit bureau devastated the MC APP and they process personnel information for papers of credit reporting and you need to be careful with that to play the 42 defined of credit.

481

01:32:51.690 --> 01:32:58.110

Mr. Ntsumbedzeni Nemasisi (IRSA): Credit credit bureaus basically, you know that provide they did they did they create a credit report.

482

01:32:58.530 --> 01:33:05.430

Mr. Ntsumbedzeni Nemasisi (IRSA): These are the big ones you expanded your trans Union there are those that they actually every centers, for example, lexis nexis.

483

01:33:06.060 --> 01:33:15.900

Mr. Ntsumbedzeni Nemasisi (IRSA): They actually the resellers of your so listen listen listen because they don't they don't create a credit report, they just take a credit what that has been done by.

484

01:33:16.500 --> 01:33:22.410

Mr. Ntsumbedzeni Nemasisi (IRSA): chance you know, for example, they sell it and say they sell a play the part they do not have to apply, but the credit bureau.

485

01:33:22.770 --> 01:33:36.630

Mr. Ntsumbedzeni Nemasisi (IRSA): Those that are processing information they create a credit report based on our personal information, those responsible parties must obtain provision, and if they cannot obtain it, they need to be.

486

01:33:37.260 --> 01:33:46.770

Mr. Ntsumbedzeni Nemasisi (IRSA): stopped processing but that's only happened once the section 52 comes into production, which will deal with it in the next few slides next next slide.

487

01:33:48.600 --> 01:34:00.780

Mr. Ntsumbedzeni Nemasisi (IRSA): Last one is the one which I said it's the local co op where we transfer the special personal information or personal information of shouldn't a third party in a foreign country that does not provide an advocate level of protection.

488

01:34:01.320 --> 01:34:05.820

Mr. Ntsumbedzeni Nemasisi (IRSA): So ABC company is an international company operating in several countries.

489

01:34:06.120 --> 01:34:11.310

Mr. Ntsumbedzeni Nemasisi (IRSA): And some of the countries in which special personnel information or personal information or children may be times, where.

490

01:34:11.550 --> 01:34:18.390

Mr. Ntsumbedzeni Nemasisi (IRSA): does not have a privacy law, so, in other words you're transmitting information to Namibia i'll give you a practical example Namibia.

491

01:34:18.660 --> 01:34:27.870

Mr. Ntsumbedzeni Nemasisi (IRSA): does not have a privacy law at the moment, so if you're transmitting personal information that comes through does not apply this book, it means automate can you will have to apply for localization.

492

01:34:28.200 --> 01:34:40.980

Mr. Ntsumbedzeni Nemasisi (IRSA): For if you are transferring it's not only information is special personal information or personal information of children if they is not permissible, then you need to then apply for positions before you do so.

493

01:34:41.790 --> 01:34:53.820

Mr. Ntsumbedzeni Nemasisi (IRSA): So they wouldn't think he is that the legal into is not connected in an adequacy assessment of the country, so at this stage, we cannot provide you the list of the countries that have.

494

01:34:54.360 --> 01:35:03.570

Mr. Ntsumbedzeni Nemasisi (IRSA): Privacy law which provide adequate protection of the personality information that the subject is something that the regulators considering provide that the so that.

495

01:35:04.290 --> 01:35:14.190

Mr. Ntsumbedzeni Nemasisi (IRSA): The responsible parties will know which countries have sufficient legislation, but at this stage is still le for us to be able to do so, but we'll definitely do so in the future.

496

01:35:15.750 --> 01:35:20.490

Mr. Ntsumbedzeni Nemasisi (IRSA): The next slide so we do the issue about notification I indicated that on that.

497

01:35:20.880 --> 01:35:33.960

Mr. Ntsumbedzeni Nemasisi (IRSA): uh when you are processing, a subject to plant flowers, in other words, your process and fall under those four categories, but ideally you are required to notify at the regulator, that you are processing is subject to popularization next slide.

498

01:35:35.880 --> 01:35:42.930

Mr. Ntsumbedzeni Nemasisi (IRSA): So there's whatever party, which tends to process personal information which is subject to globalization is required in terms of efficiency.

499

01:35:43.290 --> 01:35:50.940

Mr. Ntsumbedzeni Nemasisi (IRSA): A tapia to notify the regulator of the intended prophecy to simplify the process, the regulator is included the notification.

500

01:35:51.240 --> 01:35:59.850

Mr. Ntsumbedzeni Nemasisi (IRSA): In the proper of is an application form and there's no need for a separate notification from the application for personalization unless the setup responsible party.

501

01:36:00.120 --> 01:36:08.040

Mr. Ntsumbedzeni Nemasisi (IRSA): Does not intended to apply for positivism so, in other words, that the legislature requires that you need to notify the regulator that.

502

01:36:08.340 --> 01:36:12.300

Mr. Ntsumbedzeni Nemasisi (IRSA): You are processing personal information in that process, the subject to properly.

503

01:36:12.720 --> 01:36:20.100

Mr. Ntsumbedzeni Nemasisi (IRSA): You need to notify the regulator, it also the part that you must have lack of preparation, so what we did when we created the application for profit division.

504

01:36:20.310 --> 01:36:36.600

Mr. Ntsumbedzeni Nemasisi (IRSA): automatically when you apply for localization us Martinez be notified the regulates the processing so there's no need to do two separate processes, where you notify and apply it, and so by filling an application form automatically you actually know Japan designator next slide.

505

01:36:40.530 --> 01:36:42.180

Mr. Ntsumbedzeni Nemasisi (IRSA): I think you might have skipped.

506

01:36:43.770 --> 01:36:44.640

So my check quickly.

507

01:36:46.590 --> 01:36:47.820

Mr. Ntsumbedzeni Nemasisi (IRSA): Oh no that's fine Thank you.

508

01:36:50.640 --> 01:36:59.430

Mr. Ntsumbedzeni Nemasisi (IRSA): So after you notify the regulator that you're presenting subject to proposition that entered requires you to suspend processing of.

509

01:36:59.850 --> 01:37:10.590

Mr. Ntsumbedzeni Nemasisi (IRSA): Information so immediately when you submit your application for capitalization you need to stop processing, you cannot go to you, processing, that is subject to provision can move to the next slide.

510

01:37:12.690 --> 01:37:21.150

Mr. Ntsumbedzeni Nemasisi (IRSA): You cannot continue processing any processing that subject to personalization until the regulator has completed its investigation or until.

511

01:37:21.420 --> 01:37:26.880

Mr. Ntsumbedzeni Nemasisi (IRSA): They you have received a notice that a more detailed investigation will not be conducted so, in other words.

512

01:37:27.480 --> 01:37:41.010

Mr. Ntsumbedzeni Nemasisi (IRSA): Once you receive we you make an application to the regulator and you need to stop processing know what you need to suspend processing until such time, the regulator is authorized you or authorized you to provide you with the person it.

513

01:37:42.060 --> 01:37:52.170

Mr. Ntsumbedzeni Nemasisi (IRSA): However, as the state the regulator has am determined the face of February as the data which the section 48 to have a bsl become applicable, what does that mean.

514

01:37:52.590 --> 01:38:09.390

Mr. Ntsumbedzeni Nemasisi (IRSA): It means that at this day, there is no requirement for you to suspend processing, which is subject to provision, so all responsible parties who intend to submit an application or web submitted an application for capitalization they can now process those personnel information in the meantime.

515

01:38:10.500 --> 01:38:19.260

Mr. Ntsumbedzeni Nemasisi (IRSA): While the regulator's processing the application, because the effective date of the section that you do suspicion has been moved to the first of April 2022.

516

01:38:19.620 --> 01:38:32.010

Mr. Ntsumbedzeni Nemasisi (IRSA): That means that application for capitalization must be both at this stage because, from the festival for the next year on processing power position will have to stop immediately, you can move to the next slide.

517

01:38:35.040 --> 01:38:44.220

Mr. Ntsumbedzeni Nemasisi (IRSA): So, once you have submitted your application for capitalization and then the the what is the process, the what is the men of submitting an application.

518

01:38:45.780 --> 01:38:48.690

Mr. Ntsumbedzeni Nemasisi (IRSA): To the regulator for capitalization next slide.

519

01:38:51.600 --> 01:38:56.280

Mr. Ntsumbedzeni Nemasisi (IRSA): So there's different ways in which the application can be submitted to the regulator.

520

01:38:56.610 --> 01:39:04.560

Mr. Ntsumbedzeni Nemasisi (IRSA): The first one is to send an athlete an email and application through an email the email address where an application for localization should be submitted.

521

01:39:05.100 --> 01:39:12.150

Mr. Ntsumbedzeni Nemasisi (IRSA): I must say that because we're under the pen name and we prefer that applications to send by email.

522

01:39:12.540 --> 01:39:21.090

Mr. Ntsumbedzeni Nemasisi (IRSA): And that's because if you send them by postal of fiscal average, there must be the might be a chance that the transmission of balance, through the postal.

523

01:39:21.780 --> 01:39:35.160

Mr. Ntsumbedzeni Nemasisi (IRSA): might be might Okay, so we encourage people to submit through by email, but those who are unable to do so they can submit it using our postal addresses, they can also divide at our offices for that, because it can be divided eight offices as well.

524

01:39:36.780 --> 01:39:37.290

Mr. Ntsumbedzeni Nemasisi (IRSA): it's like.

525

01:39:41.760 --> 01:39:42.300

Mr. Ntsumbedzeni Nemasisi (IRSA): Next slide.

526

01:39:43.470 --> 01:39:49.260

Mr. Ntsumbedzeni Nemasisi (IRSA): What are the timelines for processing an application what happened when you will see the application for personalization.

527

01:39:49.620 --> 01:39:57.480

Mr. Ntsumbedzeni Nemasisi (IRSA): So the regulated so quiet to approve or reject the application for proper attention within four weeks of the seat of that application.

528

01:39:58.020 --> 01:40:04.860

Mr. Ntsumbedzeni Nemasisi (IRSA): Unless the regulator decide to conducted detailing business, and so they will receive your application we've got four weeks because a month.

529

01:40:05.190 --> 01:40:13.830

Mr. Ntsumbedzeni Nemasisi (IRSA): To process that application will decide with that logic or not granted, but if the application your positioning is so complicated have given example if.

530

01:40:14.070 --> 01:40:23.220

Mr. Ntsumbedzeni Nemasisi (IRSA): For example, you said you're canceling the special because not information outside the country and the legalities but make a determination as to whether that controls the adequate level of permission or not.

531

01:40:23.580 --> 01:40:29.310

Mr. Ntsumbedzeni Nemasisi (IRSA): That may I just not time for us conduct such an assessment to check it, because when we're transferring.

532

01:40:29.610 --> 01:40:35.730

Mr. Ntsumbedzeni Nemasisi (IRSA): And because we need we need additional information, we may decide to conducted by to call a detailed discussion.

533

01:40:36.060 --> 01:40:43.500

Mr. Ntsumbedzeni Nemasisi (IRSA): Should the regulator decide to conduct an investigation will inform us the applicant to say your application for partners is received.

534

01:40:43.740 --> 01:40:51.300

Mr. Ntsumbedzeni Nemasisi (IRSA): We do require to conduct little investigation will give reasons why we want to conduct an investigation will also give you the timelines within with.

535

01:40:51.540 --> 01:40:59.340

Mr. Ntsumbedzeni Nemasisi (IRSA): The detailed discussion must be completed, but in terms of the Act, the detailed investigations should be completed within 13 weeks.

536

01:41:00.330 --> 01:41:05.010

Mr. Ntsumbedzeni Nemasisi (IRSA): But it does not mean that the regulator mastic the new leads to conduct an investigation, you might find that.

537

01:41:05.250 --> 01:41:16.080

Mr. Ntsumbedzeni Nemasisi (IRSA): may take additional five days, over and above the fold is that we have to finalize the details discussion and the ones that detail investigation is conducted then we'll be able to issue a statement in the next slide.

538

01:41:19.140 --> 01:41:24.630

Mr. Ntsumbedzeni Nemasisi (IRSA): So once I received application for for capitalization the question that we.

539

01:41:25.080 --> 01:41:32.550

Mr. Ntsumbedzeni Nemasisi (IRSA): republican may ask that, what are the criteria do you use in assessing the application for television so good three stage assessments.

540

01:41:32.820 --> 01:41:40.200

Mr. Ntsumbedzeni Nemasisi (IRSA): And that we follow the first stage is the way in which we assess if the application falls under any of the exclusion.

541

01:41:40.500 --> 01:41:48.720

Mr. Ntsumbedzeni Nemasisi (IRSA): You remember if you go to section six of phobia of sensitive seven of puppy they provide for an exclusion, which means there are certain processing.

542

01:41:48.990 --> 01:41:54.510



Mr. Ntsumbedzeni Nemasisi (IRSA): that do not fall under will be, in other words for those processing you don't have to comply with phobia.

543

01:41:54.780 --> 01:42:06.090

Mr. Ntsumbedzeni Nemasisi (IRSA): And those you find them in section six and seven, so the regulator before we assess your application, the first things that the first thing that we use to check whether you're processing doesn't fall under any of those processing.

544

01:42:06.840 --> 01:42:16.440

Mr. Ntsumbedzeni Nemasisi (IRSA): And if it does, it means your application will not be process for that and will not, we will advise that you application for an exclusion and therefore you do not have to apply for an extension.

545

01:42:16.860 --> 01:42:24.570

Mr. Ntsumbedzeni Nemasisi (IRSA): that's what we're going to happen, but if it does fall under appear, then we move to stage to stage two that's where we determine whether positive.

546

01:42:24.870 --> 01:42:32.880

Mr. Ntsumbedzeni Nemasisi (IRSA): is subject to the scope of the property you remember the four categories are processing with the subject to proposition, so we conduct a verification.

547

01:42:33.270 --> 01:42:37.290

Mr. Ntsumbedzeni Nemasisi (IRSA): of whether indeed your process in fall and the end of those characters.

548

01:42:37.800 --> 01:42:43.650

Mr. Ntsumbedzeni Nemasisi (IRSA): Once we confirm that indeed your process in fall under any of those categories, we move to stage three, this is the last page.

549

01:42:44.070 --> 01:42:57.120

Mr. Ntsumbedzeni Nemasisi (IRSA): Especially the one which says, if such processing is compliant with the eight condition, these are the conditions that advocated malice touch on them so that's the last page that will conduct an assessment will check whether you you're processing.

550

01:42:58.140 --> 01:43:03.900

Mr. Ntsumbedzeni Nemasisi (IRSA): Information for clinical reporting within check about whether such processing is it lawful.

551

01:43:04.500 --> 01:43:16.650

Mr. Ntsumbedzeni Nemasisi (IRSA): Is there any further processing and you i'm sure you remember clinics, they was at the beach my experience were in over 24 million of our customer information has been leaked.

552

01:43:17.040 --> 01:43:24.270

Mr. Ntsumbedzeni Nemasisi (IRSA): And those are the issue that we're going to check when we assess the application from the computer will check whether is that processing.

553

01:43:24.630 --> 01:43:31.500

Mr. Ntsumbedzeni Nemasisi (IRSA): In line with the eighth conditions if we find that, over and above what they do, which is the credit reporting they do.

554

01:43:32.250 --> 01:43:36.480

Mr. Ntsumbedzeni Nemasisi (IRSA): Further, processing and we check it find that that for deposits are in line with phobia.

555

01:43:36.750 --> 01:43:45.150

Mr. Ntsumbedzeni Nemasisi (IRSA): will not provide them with an authorization and that means they were to stop processing until such time they comply with all eight condition so it's a stage.

556

01:43:45.540 --> 01:43:53.280

Mr. Ntsumbedzeni Nemasisi (IRSA): Three stage processing at Stage one where we assess whether there's any solution stage to determine if indeed your process and fall under.

557

01:43:53.550 --> 01:44:01.350

Mr. Ntsumbedzeni Nemasisi (IRSA): The four categories is pretty we check with that once it falls under the four categories, do you comply with all eight condition, unless you exempted so.

558

01:44:01.680 --> 01:44:13.110

Mr. Ntsumbedzeni Nemasisi (IRSA): If, for example, we found that you do not comply with all add condition we will reject application and the only means to wish that because it can be granted when you obtain an exemption as family has touched on it.

559

01:44:14.250 --> 01:44:17.370

Mr. Ntsumbedzeni Nemasisi (IRSA): looks like So what are the offenses.

560

01:44:18.630 --> 01:44:26.760

Mr. Ntsumbedzeni Nemasisi (IRSA): for failure to notify processing, which is subject to problems, if you remember earlier on, I indicated that you need to notify the regulator that's your.

561

01:44:27.120 --> 01:44:37.170

Mr. Ntsumbedzeni Nemasisi (IRSA): Your processing it's subject to proposition, so it was wonderful to fails to notify the regulator of any processes that is subject to proposition in terms of section eight.

562

01:44:37.560 --> 01:44:42.450

Mr. Ntsumbedzeni Nemasisi (IRSA): Of PA it's in the top of it i'll give an example, if they click the click your.

563

01:44:43.140 --> 01:44:51.030

Mr. Ntsumbedzeni Nemasisi (IRSA): fingers to apply for Class innovation, when we know that they're processing subject to platform ization it means they'll be guilty of an offense.

564

01:44:51.480 --> 01:44:57.540

Mr. Ntsumbedzeni Nemasisi (IRSA): So the responsible party will notify the regulator, so you have notified the other words you've submitted an application.

565

01:44:57.870 --> 01:45:09.030

Mr. Ntsumbedzeni Nemasisi (IRSA): For personalization, but you can you continue with the processing other words you do not suspend processing painting the determination of the regulator such conduct is also an offense.

566

01:45:09.660 --> 01:45:20.850

Mr. Ntsumbedzeni Nemasisi (IRSA): And by the way, don't forget that we said at this stage that you are allowed to process personal information because the section 58 the suspension will only keep in.

567

01:45:21.300 --> 01:45:30.630

Mr. Ntsumbedzeni Nemasisi (IRSA): It on the first of February next year, but from the Federal federal next year if you notify us and you continue processing before the regulator takes a decision, it means you committed an offense.

568

01:45:31.170 --> 01:45:33.570

Mr. Ntsumbedzeni Nemasisi (IRSA): They don't then do the penalties, the next slide.

569

01:45:34.320 --> 01:45:43.440

Mr. Ntsumbedzeni Nemasisi (IRSA): What are the penalties for failure to notify processing, which is subject to perform division, so any person can be turned on offense for failure to meet for the regulator.

570

01:45:43.740 --> 01:45:51.780

Mr. Ntsumbedzeni Nemasisi (IRSA): Have any processing that is subject to proposition Oh, what can our process or personal information which has been notified before the regulator.

571

01:45:52.140 --> 01:46:00.150

Mr. Ntsumbedzeni Nemasisi (IRSA): as good as the investigation is completed by the regulator, that person would be liable to find or to increase metaphorical not exceeding performance.

572

01:46:00.480 --> 01:46:11.550

Mr. Ntsumbedzeni Nemasisi (IRSA): Or to book fine and such and placement, one of the vision that we get from this they called us to say how do we increase in a responsible party, because the responsible parties, the one that's supposed to make an application.

573

01:46:12.210 --> 01:46:20.880

Mr. Ntsumbedzeni Nemasisi (IRSA): For personalization and they access, you can be fine and increasing at the same time, but you cannot send a company to implicit to please in.

574

01:46:21.450 --> 01:46:27.570

Mr. Ntsumbedzeni Nemasisi (IRSA): The issue is that the final answer will be payable, but that was whatever project, but where the Court decided to.

575

01:46:27.960 --> 01:46:35.700

Mr. Ntsumbedzeni Nemasisi (IRSA): To Ascension and imprisonment, it means that person is responsible for allowing the processing.

576

01:46:36.030 --> 01:46:42.450

Mr. Ntsumbedzeni Nemasisi (IRSA): and consulted the puppy at that person would be the one of these prepares the ones going to go to please so look the company will not go to please.

577

01:46:42.780 --> 01:46:50.940

Mr. Ntsumbedzeni Nemasisi (IRSA): don't pay the fine, but if somebody's supposed to go to visit with a pencil allowed the first aspect, I must say, is the information officer.

578

01:46:51.360 --> 01:46:57.780

Mr. Ntsumbedzeni Nemasisi (IRSA): So if you are a department, the DJ will be the face aspects, unless the DJ indicate that are responsible.

579

01:46:58.050 --> 01:47:03.690

Mr. Ntsumbedzeni Nemasisi (IRSA): If you are the company like the information regulator, the CEO of the information regulator, will be the face aspect.

580

01:47:03.960 --> 01:47:10.890

Mr. Ntsumbedzeni Nemasisi (IRSA): To allow in that process in batches conservative appear so those are the responsibility with advocate mahalo of the information officer.

581

01:47:11.130 --> 01:47:21.270

Mr. Ntsumbedzeni Nemasisi (IRSA): That you need to be very careful with regard to what is it that you allowed be conducted, because otherwise you end up being increasing for not complying with podium next slide.

582

01:47:23.790 --> 01:47:31.500

Mr. Ntsumbedzeni Nemasisi (IRSA): So the other offensive penalties for electrical lie with the statement continue the unlawful less of the information processing, so the.

583

01:47:32.220 --> 01:47:40.830

Mr. Ntsumbedzeni Nemasisi (IRSA): owner indicated that we have got to period within which we tend lens with which we need to comply with when we process application for provision.

584

01:47:41.100 --> 01:47:48.570

Mr. Ntsumbedzeni Nemasisi (IRSA): The first one is for four weeks, and the second one is 13 weeks invented, which is why we decided to conduct what we call a detailed investigation.

585

01:47:48.810 --> 01:47:56.760

Mr. Ntsumbedzeni Nemasisi (IRSA): So the decision of the regulator, following a detailed investigation will be issued in the form of a statement containing the lawfulness of the information possible.

586

01:47:57.210 --> 01:48:05.280

Mr. Ntsumbedzeni Nemasisi (IRSA): In other words, we will issue a statement was conducted detailing business, however, should the regulator find that the information processing is unlawful.

587

01:48:05.670 --> 01:48:13.110

Mr. Ntsumbedzeni Nemasisi (IRSA): In, in other words, we found that the processing by the credit regulator clearly to sort of the club you'd be wrong if unlawful.

588

01:48:13.890 --> 01:48:26.460

Mr. Ntsumbedzeni Nemasisi (IRSA): So that will insert statements, the label they shall be deemed to have been in impossibilities so when we just admin way, we found that the processing is unlawful, in other words, we cannot find an organization.

589

01:48:26.700 --> 01:48:37.320

Mr. Ntsumbedzeni Nemasisi (IRSA): Such statement is considered as enforcement 90s, so it was whatever party which face to comply with in possibilities, in other words, if we just didn't mean to say your positions and look to stop it.

590

01:48:37.680 --> 01:48:45.420

Mr. Ntsumbedzeni Nemasisi (IRSA): And you fail to comply with that statement, which is an infamous impossibilities you will be beautiful offense and apple condition.

591

01:48:45.750 --> 01:48:52.830

Mr. Ntsumbedzeni Nemasisi (IRSA): You shall not be liable where final two policemen period of not exceeding 10 years or both fine and such and placement.

592

01:48:53.460 --> 01:49:03.180

Mr. Ntsumbedzeni Nemasisi (IRSA): One of the questions that will be asked was what how much fun can be the regulator impose you'll see that basis find that little kid impose.

593

01:49:03.450 --> 01:49:12.930

Mr. Ntsumbedzeni Nemasisi (IRSA): Have about 10 million lot more than 10 million and there's a fund that can be posed by the Court that finally has not been specified the Muslim what is not specified.

594

01:49:13.350 --> 01:49:28.020

Mr. Ntsumbedzeni Nemasisi (IRSA): In the regulation that will be determined by the Court, depending on the activating or ABC comes with that you might have submitted to part but in terms of defined that that that I can impose if they find about lot more than 10 million next night.

595

01:49:29.400 --> 01:49:37.440

Mr. Ntsumbedzeni Nemasisi (IRSA): In conclusion, their current news we have over 200 applications that have been assessed and responsible parties should expect.

596

01:49:37.740 --> 01:49:45.270

Mr. Ntsumbedzeni Nemasisi (IRSA): decision between now and the end of January, so there is a lot of applications that were received so far over 200 application has been assessed.

597

01:49:45.540 --> 01:49:57.540

Mr. Ntsumbedzeni Nemasisi (IRSA): And we are in the process of taking decisions and communication will be made between now and November, and the first of January 2022 so, as I indicated earlier, or the commencement date of last February.

598

01:49:58.590 --> 01:50:06.930

Mr. Ntsumbedzeni Nemasisi (IRSA): For suspension of any process or personal information is subject to partner's I said that suspicion will commence on the first of February.

599

01:50:07.260 --> 01:50:18.510

Mr. Ntsumbedzeni Nemasisi (IRSA): And there is no intention from the regulator side to extend sites so, which means responsible party, we have not applied for capitalization I encouraged to submit the application by end of November 2021.

600

01:50:19.170 --> 01:50:25.050

Mr. Ntsumbedzeni Nemasisi (IRSA): Lastly, the goddess loan application for capitalization and application form of being reviewed.

601

01:50:25.470 --> 01:50:32.700

Mr. Ntsumbedzeni Nemasisi (IRSA): As addressable condition for local developers not information overload covered as part of the assessment application for capitalization.

602

01:50:33.030 --> 01:50:39.930

Mr. Ntsumbedzeni Nemasisi (IRSA): This means that if you look at the guidance notes and the application form with the responsible party were required to indicate.

603

01:50:40.620 --> 01:50:47.250

Mr. Ntsumbedzeni Nemasisi (IRSA): How do they comply with only one condition and Miss molly touched on that condition the Federated security safeguards.

604

01:50:47.670 --> 01:50:55.140

Mr. Ntsumbedzeni Nemasisi (IRSA): We did not request the responsible party to touch on other conditions, and that was an oversight and that's why they got it that's been reviewed.

605

01:50:55.380 --> 01:51:02.820

Mr. Ntsumbedzeni Nemasisi (IRSA): So then, as soon as we finalize the review of that guidance thought it would be publicized to get that with a new application form, where in.

606

01:51:03.060 --> 01:51:12.180

Mr. Ntsumbedzeni Nemasisi (IRSA): You supposed to then deal with all eight conditions at this stage for those people who have submitted application for proper vision and where you only provided.

607

01:51:12.990 --> 01:51:19.410

Mr. Ntsumbedzeni Nemasisi (IRSA): your explanation of compliance with only one condition syncretism that you will receive notification from our.

608

01:51:19.860 --> 01:51:32.190

Mr. Ntsumbedzeni Nemasisi (IRSA): personnel who are conducting assessments that will request you to submit information regarding the other seven conditions because we, when we process this application, we need to consider all it condition and not only one condition.

609

01:51:33.690 --> 01:51:34.170

Mr. Ntsumbedzeni Nemasisi (IRSA): it's like.

610

01:51:35.610 --> 01:51:39.570

Mr. Ntsumbedzeni Nemasisi (IRSA): Thank you so much, forget forget that into the end of our presentation.

611

01:51:41.280 --> 01:51:42.690

Ms Louise Lepad (NSG): Thank you very much.

612

01:51:43.380 --> 01:51:47.250

Ms Louise Lepad (NSG): Mr and Ms CC and thank you for a comprehensive presentation.

613

01:51:47.550 --> 01:52:05.070

Ms Louise Lepad (NSG): By the applications for prior authorization, they are a number of questions in the question and answer box and then asking for our esteemed panel of guests to please respond to the questions.

614

01:52:06.090 --> 01:52:16.290

Ms Louise Lepad (NSG): We don't have much time left for our webinar session, and we thank everybody for listening in and for participating through the Q way.

615

01:52:16.920 --> 01:52:28.260

Ms Louise Lepad (NSG): i'm just going to take three questions and, specifically, as indicated in the in the chat box, can I ask a question to advocate weapons is.

616

01:52:28.830 --> 01:52:36.120

Ms Louise Lepad (NSG): Simple kayla says hi for statistical collectors that transition to poppier act.

617

01:52:36.600 --> 01:52:47.760

Ms Louise Lepad (NSG): As brought more in Latin see from data subjects we collect statistical data within the statistical act of 1999 at number six of 1999.

618

01:52:48.360 --> 01:52:53.580

Ms Louise Lepad (NSG): We also clearly explain the benefits of information being collected to the data source.

619

01:52:53.970 --> 01:53:05.280

Ms Louise Lepad (NSG): But unfortunately the data source, the data subject does not provide the data requested which act poppier act and stats at 1999 supersede.

620

01:53:05.700 --> 01:53:25.680

Ms Louise Lepad (NSG): or outweigh the Adler and how can data just discharging departments or organ of statement or use the Copyright Act as required, so the question advocate weapons just in terms of times something short and succinct please.



621

01:53:26.670 --> 01:53:35.640

Adv. Johannes Weapond (IRSA): Thank you must have been, and thank you so much for the question I think what is very important with regard to the supremacy of the two X.

622

01:53:36.450 --> 01:53:45.510

Adv. Johannes Weapond (IRSA): Bobby as only applicable and would supersede in circumstances where popular provides more protection and then any other object.

623

01:53:45.810 --> 01:53:58.890

Adv. Johannes Weapond (IRSA): or in their circumstances if there's statistical acted suffer to provide more protection in popular in dead air to prevail, so there is that offense or the distinction between the two, but very importantly.

624

01:53:59.400 --> 01:54:18.720

Adv. Johannes Weapond (IRSA): Because I have to keep my answer short, if you look at section four in of poppier it clearly outlines and the fact that there is also an opportunity to collect such data if it is in terms of the statistical act for research historical in.

625

01:54:19.890 --> 01:54:32.100

Adv. Johannes Weapond (IRSA): statistical purposes, so those who didn't take in the I didn't want to go too far in elaborate too much because of time constraints, but I would like to direct with a over to Mr Ben Thank you so much.

626

01:54:32.100 --> 01:54:39.750

Ms Louise Lepad (NSG): Thank you very much, advocate weapons there's a question for Mr name SEC, I hope you managed to catch your breath in.

627

01:54:40.440 --> 01:54:51.030

Ms Louise Lepad (NSG): The cinema CC our non anonymous attendee asks where can I obtain information on the information Officer of a multinational company.

628

01:54:51.480 --> 01:55:12.060

Ms Louise Lepad (NSG): It was mentioned that the information officers be based in South Africa and must be an employee of the company is that correct what if the multinational does not have employees in South Africa and a contractor agent then be appointed as the information officer, the cinema CC.

629

01:55:12.960 --> 01:55:25.050

Mr. Ntsumbedzeni Nemasisi (IRSA): Thank you so much for that question, if you look at the the requirement of appointing information officer, is to ensure that a bodhi public or private body accessible to the data subjects.

630

01:55:25.470 --> 01:55:32.490

Mr. Ntsumbedzeni Nemasisi (IRSA): And, and also the requesters, which is the public domain to play access the personality, the information that they require.

631

01:55:32.850 --> 01:55:42.090

Mr. Ntsumbedzeni Nemasisi (IRSA): So if you don't have information outside in the country, then it means the issue of accessibility becomes a challenge, we cannot, we also cannot be able to hold them accountable.

632

01:55:42.540 --> 01:55:59.040

Mr. Ntsumbedzeni Nemasisi (IRSA): So in history to the way in a company multinational company which head office in some way in outside the country, but the very branch here, then they can apply the signature and information officer in the country, but the question says there is no.

633

01:55:59.610 --> 01:56:05.550

Mr. Ntsumbedzeni Nemasisi (IRSA): One does not have a branch here at all, but it operates outside the country it operates in the country.

634

01:56:05.910 --> 01:56:17.820

Mr. Ntsumbedzeni Nemasisi (IRSA): They are allowed to stagnate an employee, but that employee must be treated in the country for us to be able to for them to be able to be accessible, as well as for those people to be able to.

635

01:56:18.540 --> 01:56:25.140

Mr. Ntsumbedzeni Nemasisi (IRSA): For us to hold them accountable, but might be difficult for us to hold anyone accountable, who had a country yeah.

636

01:56:26.040 --> 01:56:34.080

Ms Louise Lepan (NSG): Thank you very much, Mr name SEC another question for advocates more highly anonymous attendee asks.

637

01:56:34.560 --> 01:56:41.820

Ms Louise Lepan (NSG): advocate mohali and if you fail to be appointed for a post you applied for and attended the interview.

638

01:56:42.390 --> 01:56:50.100

Ms Louise Lepan (NSG): When you request the memo of approval by the panel to the msc including attached documentation that includes the qualifications.

639

01:56:50.490 --> 01:56:58.230

Ms Louise Lepad (NSG): Can this information be viewed as classified and cannot be made available, subject to the constraint of applicants.

640

01:56:58.680 --> 01:57:16.230

Ms Louise Lepad (NSG): I'm of the view that qualification is part of the submissions that form part of the tolls us for you to contest the post you're therefore entitled to know if the appointed person has the correct qualifications or not poverty you advocates.

641

01:57:17.550 --> 01:57:20.430

Adv. Dirontsho Mohale (IRSA): Thank you, Miss let them for the question.

642

01:57:22.110 --> 01:57:41.250

Adv. Dirontsho Mohale (IRSA): I think, as an advocate we've mentioned earlier when we do look at such questions and processing of personal information, we cannot look at the legislation in isolation, so popular does allow for were either legislation.

643

01:57:43.800 --> 01:57:51.660

Adv. Dirontsho Mohale (IRSA): overlaps with peer that we take them into consideration, so if this person who did not receive.

644

01:57:52.080 --> 01:58:02.340

Adv. Dirontsho Mohale (IRSA): Or was not appointed needs access to another person's information we need to consider if they have the necessary authority to gain that information.

645

01:58:02.760 --> 01:58:19.380

Adv. Dirontsho Mohale (IRSA): If, in terms of privacy that person's is a has a right that they are protected, then they would need to declare Sir And still they would need some sort would need some legal basis to share that information with another person, so we.

646

01:58:19.500 --> 01:58:19.980

Ms Louise Lepad (NSG): did a.

647

01:58:22.230 --> 01:58:25.680

Adv. Dirontsho Mohale (IRSA): failed applicant and success for applicant, thank you.

648

01:58:26.280 --> 01:58:27.030

Ms Louise Lepad (NSG): very much.

649

01:58:28.440 --> 01:58:30.330

Ms Louise Lepad (NSG): Muslim Allah are using.

650

01:58:32.610 --> 01:58:38.970

Ms Louise Lapan (NSG): The question is, from outwait sake of born way, please excuse me if i'm not pronouncing it correctly.

651

01:58:39.720 --> 01:58:59.580

Ms Louise Lapan (NSG): Is it authorized for journalists, this is your fourth estate to public cliche health information of the subject, who has to be held accountable on how the journalists acquire the information because they always say they can't disclose such sense they are trying to protect the sources.

652

01:59:02.160 --> 01:59:03.540

Ms Louise Lapan (NSG): Muslim Allah you they.

653

01:59:04.200 --> 01:59:05.730

Ms. Deborah Lamola (IRSA): Use em and.

654

01:59:06.420 --> 01:59:11.280

Ms Louise Lapan (NSG): Muslims about the rights of the journalist visa V, the rights of the.

655

01:59:11.310 --> 01:59:15.870

Ms. Deborah Lamola (IRSA): Data i've actually already answered in the in the chat.

656

01:59:16.980 --> 01:59:30.990

Ms. Deborah Lamola (IRSA): I think it was quite easy to refer to Section seven of puppies getting extrusion for journalistic a literary or artistic proposals, and I emphasize in the change that.

657

01:59:31.950 --> 01:59:54.150

Ms. Deborah Lamola (IRSA): If you look at the provision as as the processing, you know, cannot be excluded from the public interest issue which must now be compared with a right to privacy, so there's some kind of balancing of rice, that has to happen, the, however, also to indicate that the exclusion.

658

01:59:55.290 --> 01:59:58.380

Ms. Deborah Lamola (IRSA): of journalistic wake from the local.

659

01:59:59.490 --> 02:00:10.110

Ms. Deborah Lamola (IRSA): Processing as not without any restriction, because there is a code of ethics, that is provided for in the very same act and, should it be that.

660

02:00:10.470 --> 02:00:19.350

Ms. Deborah Lamola (IRSA): If someone finds that the ethics, the code of ethics for generous does not provide adequate safeguards for any of the issues they have.

661

02:00:19.740 --> 02:00:30.030

Ms. Deborah Lamola (IRSA): So the very same section provides for events of dispute, you know section three insured says that in the event that a dispute may arise in respect of whether.

662

02:00:30.360 --> 02:00:40.410

Ms. Deborah Lamola (IRSA): adequate safeguards have been provided for in your code then certain conditions have to be taken into consideration, so idea to repay the.

663

02:00:41.250 --> 02:00:55.050

Ms. Deborah Lamola (IRSA): Who is in the US cohort with the President that major question that as a Question two sections of in to Section seven and, like we indicated in the in the in the in my presentation in particular that.

664

02:00:55.770 --> 02:01:13.860

Ms. Deborah Lamola (IRSA): Some of the authorizations or exemptions happen because the processor, or the responsible party is bound by other laws, you know they can be held accountable through those other laws, including a such code of conduct yeah Thank you, I think.

665

02:01:14.310 --> 02:01:15.390

Ms Louise Lapan (NSG): Thank you very much.

666

02:01:16.770 --> 02:01:18.990

Ms Louise Lapan (NSG): To all the executives and.

667

02:01:20.070 --> 02:01:24.150

Ms Louise Lapan (NSG): Members of the information that regulate, I would like to thank you very much.

668

02:01:24.660 --> 02:01:26.190

Ms. Deborah Lamola (IRSA): This are you.

669

02:01:26.250 --> 02:01:26.520

Ms Louise Lapan (NSG): Yes.

670

02:01:26.610 --> 02:01:29.460

Ms. Deborah Lamola (IRSA): Are you unmuted yourself, perhaps you want to add new.

671

02:01:30.510 --> 02:01:31.950

Ms Louise Lapan (NSG): I am, they can you hear me.

672

02:01:35.370 --> 02:01:37.320

Ms Nomzamo Zondi (IRSA): Yes, we can, yes, you can listen.

673

02:01:37.920 --> 02:01:47.640

Ms Louise Lapan (NSG): Thank you very much, I just want to thank all the colleagues from the information regulator advocates weapons, thank you very much for bringing your team.

674

02:01:47.640 --> 02:01:49.170

Adv. Dirontsho Mohale (IRSA): along and you're on mute.

675

02:01:53.490 --> 02:01:55.530

Ms Louise Lapan (NSG): i'm not thank you very much.

676

02:01:56.670 --> 02:02:10.590

Ms Louise Lapan (NSG): And I asked Dr marcia please just to say some closing remarks and then ask everybody, please just to do the line survey that is posted in the chat box, thank you very much, Dr manager of a deal.

677

02:02:12.090 --> 02:02:27.870

Botshabelo Maja: Development chair miss lapan Thank you very much to very knowledgeable colleagues from the information regulator at the national school of government our motto is comprised of three words learn.

678

02:02:29.790 --> 02:02:41.250

Botshabelo Maja: and grow and I hope that this morning we've been able to achieve all those three elements I hope we've been able to land.

679

02:02:41.970 --> 02:02:59.310

Botshabelo Maja: And with that blending I hope we'll go back to our desks this afternoon and on Monday on what's to be able to say we're not just heavy pop shops, for the sake of pop shops, we are doing this, to inform and make sure the same thing.

680

02:03:00.360 --> 02:03:10.260

Botshabelo Maja: That we are supposed to do as public servants takes place, so we really hope that you will be able to sell out of this but, more importantly, we must all pro.

681

02:03:11.130 --> 02:03:22.980

Botshabelo Maja: So you don't learn and save but not grow, you have to lead said so that you are able to grow, so we we really work hard at the national school of government, make sure that.

682

02:03:23.430 --> 02:03:34.950

Botshabelo Maja: These seminars these webinars and the master classes, that we have a help us achieve those three goals, I hope that, as we end this session.

683

02:03:35.490 --> 02:03:41.490

Botshabelo Maja: You will leave at least satisfied that you've achieved all those three elements, if not one, but two of them.

684

02:03:42.210 --> 02:03:53.220

Botshabelo Maja: Next week, we are here again, as I indicated to at the beginning on Wednesday afternoon and November three or top 1500 hours.

685

02:03:53.700 --> 02:04:02.790

Botshabelo Maja: follow us national school of government on all social media platforms, where you'll be able to access the relevant links, we are talking youth.

686

02:04:03.450 --> 02:04:17.190

Botshabelo Maja: Today we're talking Okay, so we hope that that through these sessions, you keep on coming back you keep on lending you keep on growing and you are able to sell all the best and enjoy your Friday, thank you very much.

687

02:04:23.970 --> 02:04:25.680

Ms Louise Lapan (NSG): Thank you very much stuff to my job is.

## CHAT

00:33:29 Johanna Pretorius: Good morning everyone  
00:33:39 Thokozile Mahlangu: Good morning everyone  
00:33:46 Thobile Mlambo: Good morning  
00:33:50 Innocentia Mdhuli: good morning  
00:33:50 Moira Patience: Good Morning from Moira at the Institute of Bankers in south Africa NPC. Thank you for convening this webinar.  
00:33:54 Guni Pedzisai: Morning  
00:33:56 Ezra Steenkamp: Good morning  
00:34:00 Mlungisi Hlabane: morning everyone  
00:34:01 NMLangeni: Good morning  
00:34:05 Phuti Lekgau: Good morning....  
00:34:09 TMatshavha: Morning  
00:34:11 Luvo Sigabi: Good morning everyone  
00:34:11 Chaka Mohajane: Morning Everyone  
00:34:11 RVShongwe: good morning everyone  
00:34:13 NALEDI DLUDLA: Good morning  
00:34:13 Christopher Williams-Wynn: Good day everyone!  
00:34:16 Ronel de Bruin: Good morning colleagues  
00:34:19 Isabella Scholtz: Good morning everyone  
00:34:20 Sondo Mphela: Good morning...  
00:34:22 Skye Martin: good morning  
00:34:23 Kenny Baloyi: good morning all  
00:34:25 Jimmy Weir-Smith: Good morning . Jimmy from DALRRD  
00:34:25 Amanda Pyne-James: Good morning - Amanda Pyne-James (TMA-SA)  
00:34:25 Matodzi Netshikhudini: good morning  
00:34:29 `Tina Pinto: Good morning  
00:34:30 Ashnie Soorajpal: Good Morning  
00:34:32 Moretsi: Good morning everyone  
00:34:36 Lubabalo Keti: Good morning  
00:34:38 Sieraag De Klerk: Good morning  
00:34:39 Debbie Nkuna: Good morning everyone  
00:34:40 Ulinda Kritzinger: Good morning everyone  
00:34:43 Matshidiso Makhafola: Good Morning. Happy Friday!  
00:34:45 Karen De la Rouviere: Good Morning  
00:34:46 Annemarie Campbell: hello there!  
00:34:48 Mmatsie Makhado: Good Morning colleagues  
00:34:51 Shannon Budhram: Good morning All  
00:34:51 Johan Van Niekerk: Good Morning  
00:34:52 Magnola Baartman: Good Morning all  
00:34:53 Nerika Maharaj: Good morning everyone. Looking forward to the informative session  
00:34:55 Erika Moolman: Good Morning  
00:34:56 Lizeth Van der Merwe: Good morning everybody  
00:34:59 Mario Segrys: Good Morning  
00:35:00 Amanda Malinga: Good morning  
00:35:02 Tshepo Pekane: Morning  
00:35:03 Mikatekiso Kubayi: Good morning everyone  
00:35:03 Marinda van Niekerk: Good morning  
00:35:04 Seboko Salamina: Good morning all  
00:35:04 Faith Nyaka NSG: good morning



00:35:06 Palesa Moleli: Good day

00:35:11 Liesl Morris: Good Morning from the EC

00:35:13 Dimakatso Tau: Good Morning

00:35:14 Julian Kruger: Good Morning all

00:35:16 Dikeledi Mokgokolo: Good Morning

00:35:18 Moroka Kaotsane: Good morning everyone

00:35:21 Nyasha Matsa: Good morning

00:35:24 Boniswa Mbovane: Good morning Chair, good morning everyone. Webinar much appreciated

00:35:28 Mamoraka Nancy SESHOKA: Good Morning

00:35:32 Nombulelo Mthombeni: A very good morning to everyone colleagues.

00:35:34 Kgabo Selomo: Good Morning

00:35:35 Moira Patience: Will we have access to the recording.

00:35:44 Michelle Strickland: Goodmorning

00:35:46 Antoinette Reynolds: Good morning

00:35:46 DAPHNEY MAYINDI-BOSCH: Good morning everyone, From Daphney Mayindi-Bosch from DALRRD

00:35:47 Dimakatso Mangezi: Good morning

00:35:53 Naum Kgoahla: 🌻 Good morning Colleagues

00:36:11 Tertius Erasmus: Good Morning everyone. Peace be with you!

00:36:16 Khanyiswa Nogomba: Good morning everyone, Khanyiswa Nogomba, Gauteng DED

00:39:04 Ms Nomzamo Zondi (IRSA): Good morning, to all participants, thank you for joining us. Please may I request that you use the Q&A box to pose your questions. The chat box may be used for general comments. We appreciate your participation on this webinar.

01:10:00 Sibusiso Ndhlovu: Dear Everyone, recording link will be send to you when ready. thank you

01:26:34 Ms Louise Lepan (NSG): All Codes of Conduct submitted to the Regulator are published on the Government Gazette and are assessible on the website of the Regulator [www.justice.gov.za/infoereg/](http://www.justice.gov.za/infoereg/)

02:28:32 Ms. Deborah Lamola (IRSA): "Is it authorised for journalists to publicly share health information of the subject? Please see section 7 (1)& (2), in particular, the public interest vs privacy but critically, that processing must be subject to a code of ethics. Further that section 3 provides for instances of any dispute arising on safeguards provided in the code!

02:28:39 Sibusiso Ndhlovu:  
<https://limesurvey.thensg.gov.za/limesurvey/index.php/826687?lang=en>

02:29:24 Sibusiso Ndhlovu: Dear Everyone, kindly complete the evaluation above.