

**INTRODUCTION TO POPIA**

South Africa's Protection of Personal Information Act ("POPIA"/ "the Act") is the latest major data privacy law in the world to be modelled closely after the EU's GDPR. POPIA is aimed at giving effect to the right to privacy enshrined in the Bill of Rights of the Constitution and empowering citizens with enforceable rights over their personal information. It establishes eight minimum requirements for data processing, creating a broad definition of personal information for comprehensive end-user protection, as well as creating the Information Regulator as lead enforcer and supervisor of the law.

POPIA took effect on 1 July 2020 and enforcement is scheduled to begin on 1 July 2021. POPIA applies to any company or organization processing personal information in South Africa, who is domiciled in the country, or not domiciled but making use of automated or non-automated means of processing in the country.

POPIA applies to any processing (including collection, recording, organizing, sharing, using, storing) of personal information by a responsible party (website, company or organization) located in South Africa or outside, if they use means to process in South Africa.

POPIA creates the following rights for South African citizens (data subjects) –

1. Right to be notified about collection and processing of personal information.
2. Right to access personal information.
3. Right to request correction of personal information.
4. Right to request deletion of personal information.
5. Right to object to the processing of personal information.
6. Right not to have personal information processed for the purpose of direct marketing by means of unsolicited electronic communications.
7. Right to not be subject to a decision which results in legal circumstances based solely on the basis of the automated processing.
8. Right to complain to the Information Regulator.
9. Right to seek judicial remedies.



Anisa Govender  
Director – Maritime & POPI  
Compliance  
(031) 536 7511  
071 481 9543  
[agovender@livingston.co.za](mailto:agovender@livingston.co.za)

Nicholene Naidoo  
Associate – Maritime & POPI  
Compliance  
(031) 536 7514  
066 221 7152  
[nnaidoo@livingston.co.za](mailto:nnaidoo@livingston.co.za)



*The content of this document is intended only to provide a summary and general overview on matters of interest. It is not intended to be comprehensive nor does it constitute legal or other professional advice. You should seek legal or other professional advice before acting or relying on any of the content.*