

GDPR V POPIA

On 24 May 2016 the GDPR came into force and the two – year grace period ended on 25 May 2018. POPIA was enacted in 2013, commenced on 1 July 2020 with the grace period ending on 1 July 2021.

The **GDPR** (General Data Protection Regulation) and **POPIA** (Protection of Personal Information Act) are simply different types of data protection laws. The GDPR applies to any data processing activities that are done by a controller in the European Union (EU) and to all processing of personal data of data subjects residing in the EU even if the entity processing the data is not in the EU. Thus, if an entity is offering goods and services to EU citizens or monitoring their behaviour they will be required to comply with the GDPR. POPIA applies to all businesses in South Africa including international companies that do business in South Africa who collect, use, store or destroy personal information from a data subject.

A comparison between both these types of privacy laws is indicated below:

POPIA	GDPR
Personal Information processed in SA	Personal information of all EU citizens regardless of jurisdiction
Applies to natural and juristic persons	Only applies to natural persons
Penalties include fines or imprisonment	Penalties only include fines which are much larger than those imposed by POPIA however, there are no criminal offences
An information officer must be appointed and registered with the Information Regulator	Data Protection Officers are appointed for certain organisations
Allows for deletion of inaccurate, excessive, out – of – date, incomplete data or data that was obtained unlawfully	Specifically references a data subject’s right to be forgotten so that their data is permanently deleted



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