

PoPIA: Time is running out to become compliant

By [Wale Arewa](#)

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The countdown is on, the Protection of Personal Information Act (PoPIA) comes into full effect on 1 July 2021. With the deadline looming, there is a lot of confusion and ambiguity regarding its definitions, requirements and enforcement thereof.



Xperien CEO Wale Arewa | image supplied

Failure to comply will result in steep fines for violators. Businesses have had ample time to prepare, but many are now scrambling to become compliant. They have realised that the impact is enormous, significant and unresolved personal data protection issues could result in financial penalties.

PoPIA regulates the usage and collection of personal data. Companies are required to handle all data carefully and provide customers with tools to update or delete personal information. They also need to alert consumers immediately if there is any form of breach.



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PoPIA affects everyone, from financial institutions, data management companies, media companies, marketers and consumers. This means everyone should be aware of the Act and the consequences for breaking the rules.

Penalties

Many businesses are unaware of the risks, but unfortunately, ignorance of the law is no excuse. They will be liable should

any breach occur. The penalties are severe, non-compliance could incur fines of up to R10m or even imprisonment.

Information officer

Every company needs to appoint an information officer that will be responsible for compliance. This person needs to be registered with the information regulator as the primary contact in case of any breach investigation. More importantly, the information officer will be responsible and face the consequences for any breaches.

Data protection

IT disposal has legislative requirements, compliance to PoPIA, the National Environmental Waste Management Act 2008 (NEMWA 2008), the Consumer Protection Act 68 of 2008 (CPA) and General Data Protection Regulations (GDPR).

Compliance affects everyone from employee, suppliers and third-party data, as well as the systems that process it and how it is retained and destroyed. It includes the way personal information is stored, handled, processed, protected and who has access to it.

Companies need to disclose what information is being gathered and how it will be stored. This could include staff records, ID numbers, drivers' licenses, medical history or financial information.

Data disposal

With companies constantly acquiring new technologies, there is a corresponding and often overlooked increase in retired IT assets. These outdated PCs, laptops, monitors and other IT equipment tend to quietly pile up in storerooms.

According to legislation, businesses are required to manage the complete destruction of all data when IT assets reach end-of-life. PoPIA requires IT asset managers to practice due diligence and ensure their storerooms go through the expected data erasure techniques essential to protect company data.

Competitive advantage

Compliance is fast becoming a competitive advantage. Customers don't want to be put at risk, data breaches and issues related to regulatory compliance, associated costs and loss of reputation will have dire consequences for businesses that suffer data breaches.

ABOUT THE AUTHOR

Wale is CEO of Xperien.

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