



The Information Officer Appointment under POPIA

The Information Regulator has developed draft Guidelines on the Registration of Information Officers. The draft Guidelines are informed by section 55(2) which requires that a responsible party registers its Information Officer with the Regulator before taking up his or her respective duties in terms of the Protection of Personal Information Act 4 of 2013 (POPIA) and the Promotion of Access to Information Act 2 of 2000 (PAIA).

The Information Officer of an organisation is an important person when it comes to information. The Act automatically designates a person in each organisation as an officer. This is not the CEO or CIO, but an Information Officer. They perform very different roles.

Does your organisation have an Information Officer?

Every organisation has one. All public bodies, and all private bodies, like companies, CCs, partnerships, and trusts. Nobody is exempt.

What are their responsibilities?

In terms of the PAIA

The Information Officer is responsible for ensuring that the organisation complies with PAIA. An information officer must:

- encourage and ensure compliance with PAIA,
- create, maintain and update a PAIA manual,
- evaluate and approve requests for access to information received in terms of the grounds set out in PAIA.

In terms of the POPIA and the Regulations

They are the person who is responsible for ensuring that the organisation complies with the POPIA. An information officer must:

1. encourage compliance with conditions for the lawful processing of personal information,
2. deal with requests made pursuant to POPIA (by the Information Regulator or data subjects),
3. otherwise ensure compliance by the body with the provisions of POPIA,
4. develop, implement and monitor a compliance framework,

5. ensure that a personal information impact assessment (DPIA) is done to ensure that adequate measures and standards exist,
6. develop, monitor, maintain and make available a PAIA manual,
7. develop internal measures and adequate systems to process requests for access to information,
8. ensure that internal awareness sessions are conducted.

These responsibilities are set out in section 55 of POPIA and in the POPIA Regulations.

Who should be appointed as the Information Officer?

There are a few criteria to consider when deciding who to appoint as the Information Officer. In essence the decision is based on if the organisation employs 50+1 people. The exception comes in when assessing the type of information the organisation collects and processes.

Registering with the Information Regulator

The organisation must register the Information Officer with the Information Regulator. This will only be possible at some point in the next 12 months. The Information Regulator plans to develop an electronic portal enabling an organisation to register their information officer and people to access the register of Information Officers by 3 March 2021 (section 55(2)).

Guidelines on the Registration of Information Officers

The Information Regulator published draft guidelines about the registration of Information Officers (<https://www.justice.gov.za/infoereg/docs.html>). The guidelines intend to expand on the sections of PAIA and POPIA that deal with the registration of Information Officers. In brief, the guidelines show organisations how to:

- register Information Officers,
- update their details,
- designate Deputy Information Officers, and
- delegate duties to Deputies.

The Information Regulator has invited the public to comment on the draft guidelines by 16 August 2020.

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