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Implementation of POPIA in 2021



The Protection of Personal Information Bill was first tabled in 2009. Very few provisions in the Protection of Personal Information Act, 2013 (“POPIA”) were operational to date. The presidency determined on 22 June 2020 that sections 2 to 38; sections 55 to 109; section 111; and section 114 (1), (2) and (3) of POPIA shall commence on 1 July 2020. The remaining sections will become law on 30 June 2021, which gives companies six months to determine to what extent they have to apply with the Act.

One of the repercussions of being aware of a data breach in your business and not having acted in terms of a data impact assessment and the compliance through a data privacy policy, are fines that can potentially be as high as R10m.

Some of the most recent cases have involved British Airways, that is being sued by 420,000 customers over a data breach. You can read the article here: <https://www.cityam.com/over-16000-customers-seeking-compensation-for-british-airways-data-breach/>

On the local front it was estimated (through those that actually discovered and reported the breach) that data breaches cost South African companies in the order of R40,2m. You can read the article here: <https://www.cityam.com/over-16000-customers-seeking-compensation-for-british-airways-data-breach/>

If you would like to further information on the application of the POPIA on your business, please contact Karen van Heerden – karen@Hopcal.co.za

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