

Complying with the Protection of Personal Information Act (POPI)

About this webinar

The phrase 'data breach' is the common denominator between large entities and actors such as Experian, Liberty Insurance, ViewFines, Ster-Kinekor, the Registrar of Deeds and the Master of the High Court. More recently President Ramaphosa has been engaged in litigation with the Public Protector on issues surrounding the release of documentation relating to 2017 African National Congress presidential campaign's funding (CR17), which the President considered as Personal information. Data breaches serve as one example of the privacy and cybersecurity concerns tackled by the Protection of Personal Information Act 4 of 2013 (the Act).

This webinar is a half-day event designed to provide useful insights on the rights, duties and obligations of responsible parties, operators and data subjects. The Course incorporates an expert take on the role of the Information Regulator, which is the custodian of the the Act, as well as a basic understanding of the eight conditions for the lawful processing of personal information. Greater benefit will be drawn from the course to participants who have taken it on themselves to read the Act and take in various discussions around some of its most salient features in books, academic articles and various forms of media.

Who should attend?

This webinar is of benefit to key players across various industries including but not limited to banking and finance;

technology; academic institutions; the legal profession; marketing, auditing and risk management firms; data brokers; information technology specialists; mobile network operators; human resources; and information centre management. A data subject being an individual whose personal information such as name, address, race, ethnicity and religion may be processed by responsible parties and operators, the course is also of benefit to all individuals regardless of academic or otherwise background.

Date

15 and 16 March 2021 | Duration: 12:00 – 14:30
Two sessions of two hours for the presentation and
30 minutes for questions
Closing of registration: 12 March 2021

Presenter

Prof Sizwe Lindelo Snail ka Mtuze holds a Baccalareus Legum (LLB) from the University of Pretoria with Tax Law and Cyber-Law electives and an LLM degree from Unisa He is a practising attorney with the law firm, Snail Attorneys at Law he is an International Co-ordinator of the African Centre for Cyberlaw and Crime Prevention based in Kampala, Uganda also as an (LLM)from UNISA.

Prof Snail is also the author of various articles on cyber law in accredited and non- accredited journals both locally and

internationally and has given ad hoc lectures for the Law Society of South Africa (LSSA), Association of Certified Fraud Examiners, University of Johannesburg, Fort Hare University and University of Pretoria and comments on cyber law in various South African Newspapers and radio talk shows.

He also presents papers and attends both local and international conferences. He is also co-editor and author of the third Edition of Cyberlaw@SA. He also does corporate presentations, regularly gives opinions to both the private and government sectors, as well as individualised legal compliance testing, including in-house workshops and training for various private companies and government institutions both in South Africa and in Central, West and East Africa.

Sizwe has served as a member on the ICT REVIEW Panel of the Department of Telecommunications and Postal Services (DTPS), serving as the Chairperson of the E-commerce Committee (Digital Society as renamed) within the panel sub-committees. Snail ka Mtuze also currently serves on the National Cyber Security advisory Counsel of the DPTS. Sizwe is a member of South African Information Regulators since 2015.

He has also served as Chairperson for the LSSA, E-Law Committee (2013 – 2020). He is also a Trainee Adjudicator of at the South African Institute of intellectual Property Law, (SAIPL) specialising in, Domain Disputes. He is also co-founding member of the Annual Cyberlaw Conference and the Annual Lex-Informatica (2008 – 2020). Sizwe ka Mtuze is also a WASPA Adjudicator (2008- 2016) and a Research Fellow in the field of Cyberlaw with the University of Fort Hare since 2014.

Sizwe has recently been appointed as Adjunct Professor in the Mercantile Law Department of Nelson Mandela University Law Faculty.

Benefits of attending

Taking into account that the important piece of legislation known as the Cybercrimes Bill, 2018 was passed in Parliament alongside the remaining sections of the the Act on 1 July 2020, it is accepted that the time for all types of entities processing personal information to be compliant with the Act and observe cybersecurity and data protection laws to protect the right to privacy, is now. The webinar, therefore, poises attendees for all the latest information relating to legal compliance of data protection laws with practical examples of the application of the laws to present-day scenarios.

Background of the the Act

The Act was signed into law on the 19 November 2013 and on the 1 July 2020, President Ramaphosa, by way of Proclamation implemented the remaining provisions namely ss 2 to 38; s 55 to 109; ss 111; and s 114 (1), (2) and (3). Sections 110 and 114(4) shall commence on 30 June 2021. According to s 114(1) all forms of processing of personal information must, “within one year after the commencement of the section”, be made to conform to the Act.

The Act finds its legal axis in s 14 of the Constitution which regulates unrestricted access to and abuse of personal information. The courts have laid down a test as to what may be deemed unlawful or lawful access and exchange of an individual’s personal information. The Act places obligations on responsible parties and operators to comply with the conditions for lawful processing of personal information.

Among other important provisions, the Act places an obligation on responsible parties to disclose breaches of information, to provide data subjects with remedies where the Act makes provision for them and it confers authority upon the Information Regulator to impose severe penalties for such conduct. The Protection of Personal Data has its antecedents from historically unjust occurrences relating to information abuse such as that conducted by the Nazi Gestapo and East German police state for societal control since the early 20th Century, as well as apartheid.

The course will cover the meaning and application of the 8 (eight) conditions for lawful processing of personal information found in sections 8 to 25 of the POPIA. The conditions are:

- accountability (s8);
- processing limitation (ss 9 to 12);
- purpose specification (ss 13 and 14);
- further processing limitation (s 15);
- information quality (s 16);
- openness (s 17 and 18);
- security safeguards (ss 19 to 22); and
- data subject participation (s 23 to 25).

Some of the salient provisions of the Act are found in Chapter 11, which stipulates punitive action that may be instituted on persons who violate the provisions of the Act. In this way, the Act actually regulates the manner in which perpetrators contravening the Act ought to be dealt with in the event that there is unlawful interference with protected personal information by spelling out offences and sanctions.

Outline/content of the course

- An introduction to the privacy norms and rationale underpinning the concepts in the Act.
- Key terms and definitions to identify various stake holders.
- The 8 (eight) conditions for processing personal information.

- The importance of implementing security safeguards.
- The rights of data subjects vis-à-vis the obligations of responsible parties
- Conditions for the lawful processing of personal information
- Exclusions and exemptions to the Act
- Special personal information and exemptions
- Enforcement mechanisms, offences, penalties and administrative fines

At the end of this training, attendees should have a basic understanding of the role to be played by the Act in safeguarding the right to privacy and the importance of data protection in the processing of personal information within their respective industries and environments. Attendees will have a heightened appreciation for the implications arising out of compliance with data protection legislation as well as the consequences arising from a failure to comply.

Certification

The LSSA'S, Legal Education and Development Divisions (LEAD) awards a certificate with the provision that the participant has satisfactorily complied with the attendance requirements and there are no fees outstanding.

Registration

Registration fee categories (VAT included).

- Practising Legal practitioners and other staff from firms:
R 1 260 per person.
- Non-practising legal practitioners/others:
R 1 950 per person.

How to register

STEP 1: Please complete the application form by clicking on the link supplied below and attach the following:

- Proof of payment and the payment plan details

[CLICK HERE TO APPLY](#)

STEP 2: Payment should be made by electronic funds transfer (EFT) only. Remember to upload the proof of payment as well as the other supporting documents (PDF) in step 1 (Online registration form)

LSSA banking details: Account name: Law Society of South Africa | Bank: FNB Pretoria | Branch code: 251445 | Account no: 6200 9641 079 | Reference: POPI, Surname and initials

STEP 3: You will receive a system-generated e-mail that we have received your registration form. Course confirmation

and more detail on the way forward will be e-mailed to you after the closing date.

For more information on this course, e-mail Bettie Lubbe at Bettie@LSSALEAD.org.za or call (012) 441 4670 (direct) or 441 4600 (switchboard).

Please note: LEAD reserves the right to cancel a learning activity should the number of participants not justify the costs involved.

About the Law Society of South Africa

The LSSA brings together the Black Lawyers Association, the National Association of Democratic Lawyers and the provincial attorneys' associations, in representing the attorneys' profession in South Africa.

From March 2019, the LSSA is governed by a House of Constituents comprising of 27 practising attorneys. [Click here to view the LSSA constitution.](#)

LEAD, the educational division of the LSSA, is responsible for the management of the course.

With many years of experience, LEAD is well placed to understand the needs of a modern day law practice. A wide range of top-quality courses, seminars and certificate programmes are offered which are designed to give legal practitioners the knowledge and skills to manage their practices successfully.

Other LEAD product offers

LEAD is one of the largest reputable provider of legal and professional education in South Africa and provides access to quality learning that is relevant, accessible, and affordable. LEAD offers an extensive range of learning activities and training options.

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