SASLHA
South African Speech-Language-Hearing Association

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The Protection of Personal Information Act (POPIA)

What you need to know in a nutshell.

With the looming deadline on 01 July 2021 to be POPIA compliant, it may all seem daunting and overwhelming. There are, of course, a few hoops to jump through, t's to cross and i's to dot, but it can be done! We, as SASLHA, are here to guide and support you through the process.
As Healthcare providers (HCPs), we should be able to breathe a provisional sigh of relief as we already should be compliant with several of the regulations, as they are in line with many of those we are mandated to adhere to by Health Professions Council of South Africa (HPCSA).

POPI is the act of protecting Personal Information. This implies that all the policies, procedures, processes, and practices in the organisation relating to personal information, are in fact doing **POPI**.

POPIA, is the name of the law/Act which outlines the following:

- the rights of data subjects,
- regulates the cross-border flow of personal information,
- introduces mandatory obligations to report and notify data breach incidents,
- and imposes penalties for violations of the law.

Compliance

Failure to comply with the requirements of the POPI Act could have serious consequences for any practice or organization collecting data on individuals. The POPIA should be seen as an opportunity to identify, reorganise and manage information better, and in doing so, improve business processes.
POPIA is more than just about being compliant.

Where to start?

- Download the Act and draft regulations and become familiar with them.
- Appoint an Information Officer and ensure that they are aware of their roles and responsibilities.
- Register the Information Officer with the Information Regulator at http://www.justice.gov.za/inforeg/portal/htm
- Make the responsible staff in your organization aware that the law has changed in accordance with the POPI Act and the severe consequences of non-compliance. You must ensure that everyone who deals with Personal Information is aware of the legal implications of this Act.
- Establish a recent and relevant information audit to establish data protection compliance level.
- Document what Personal Information you currently hold, where it comes from, how it is to be used and who you share it with.
- Put procedures in place to monitor and enforce compliance.

Prepared By SASLHA Ethics and Standards Committee June 2021

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What should be in your POPI Act policies and procedures manual??

Here is a simple checklist:

- Has the personal information been identified?
- Do you have consent to collect this information?
- Is there a link between the information and the purpose?
- How long will the information be kept?
- How will you delete it?
- Will there for further processing of the information and again do we have consent?
- Is the patient aware of the reasons for collection?

Security Safeguards

Personal information must be kept secure against the risk of loss, unlawful access, interference, modification, unauthorized destruction and disclosure.

Questions to ask:

- What procedure do you have in place to identify any foreseeable internal and external risks to personal information?
- What processes do you have in place to prevent personal information from falling into unauthorized hands?
- What procedure do you have in place to establish and maintain appropriate safeguards against the identified risks?
- How do you determine which employees are permitted access personal information and what information they are permitted to access?
- What processes do you have in place to alert you when personal information is accessed or modified without authorization?
- What processes do you have in place to identify the source of a data breach and the procedure to follow to neutralize such breach?
- What process do you have in place to ensure that safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards?
- What processes do you have in place to prevent the reoccurrence of a data breach?
- What procedure is to be followed when sharing personal information with an external operator? This must be done in the form of a written contract.
- What procedure is in place to inform the Data Subject that their personal information has been compromised? *The Data Subject must be advised in writing immediately.*
- What procedures are in place to inform the Information Regulator of any security breach? *The Information Regulator must be informed in the event of a security breach where personal information could be compromised.*

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These procedures should be covered in the POPIA policies and procedures manual and strict adherence to safety and security policies must be enforced.

Information sourced from https://www.popiact-compliance.co.za/ , https://popia.co.za/

Information also sourced from https://businesstech.co.za/news/ (21/06/21) Janet Mackenzie,