

YOUR INFORMATION MANUAL

NEXT STEPS



INTRODUCTION

Now that you have prepared your Information Manual, what's next? In this document we would like to explain what to do with your Information Manual now that you have prepared it.

1. WHAT MUST I DO WITH MY INFORMATION MANUAL?

The Manual must be initialled **on every page** and signed in full on the last page.

Your Information Manual must be published, lodged and made available as follows:

- (i) published on your website;
- (ii) made available at your principal place of business for public inspection during normal business hours;
- (iii) made available to any person upon request and upon the payment of a reasonable amount; and
- (iv) lodged with the Human Rights Commission.

[**NOTE:** see below "Compliance with section 18 of the Protection of Personal Information No. 4 of 2013, ("POPIA)" where we suggest that you should make reference to your Information Manual in your email footers].

2. COMPLIANCE WITH SECTION 18 OF THE POPIA

Section 18 of the **POPIA** requires you to make certain prescribed disclosures **before** you are permitted to collect personal information from individuals and juristic persons. This means that before you are entitled to collect personal information from a data subject, you first have to make these disclosures.

We have included these disclosures in **Part B** of your Information Manual. To ensure compliance with section 18, we suggest including a phrase in your email footer with a link to your published Information Manual, specifically drawing the recipients' attention to your disclosures in terms of section 18 of the POPIA and advising that the recipient should read those disclosures prior to furnishing you with any personal information.

The footer could read as follows:

“

Please note that in terms of section 18 of the Protection of Personal Information Act, No. 4 of 2013, we are required to make certain disclosures about the personal information that we collect and process prior to collection. These disclosures are set out in Part B of our Information Manual, which is published on our website at [insert URL]. Kindly ensure that you have read and understood the contents thereof prior to furnishing us with any personal information.

PLEASE NOTE: this document ensures compliance with section 51 of the Promotion of Access to Information Act, ("PAIA") and section 18 of POPIA only. To ensure compliance with the remainder of POPIA kindly contact us. We have partnered with a specialist who will conduct an assessment on your business and suggest changes to bring you in line with your remaining POPIA obligations.

3. BY WHEN MUST WE LODGE OUR INFORMATION MANUAL AND WITH WHOM MUST WE LODGE IT?

There are two categories of Private Bodies:

- (i) sole proprietors, partnerships, trusts and small private companies*, ("group A");
- (ii) large private companies and public companies** ("group B").

*Group A has been given until **30 June 2021** to lodge their Information Manuals.

**Group B is currently required to lodge their Information Manuals.

In both cases, the Information Manual must be lodged in the prescribed manner, as follows:

- (i) prior to **30 June 2021**, with the Human Rights Commission;
- (ii) on or after **1 July 2021**, with the newly established Information Regulator.

[Note: the criterion distinguishing small and large companies is found in Government Gazette No. 44003].

4. FAILURE TO COMPLY

A head of a private body who wilfully or in a grossly negligent manner fails to timeously prepare and submit a manual commits an offence and is liable on conviction to a fine, or to imprisonment for a period not exceeding two years.

5. WE ARE HERE TO ASSIST

Should you need assistance lodging your Information Manual, we are here to help.

Yours sincerely,

Not signed, sent electronically

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