

PRESENTATION OF THE ANNUAL REPORT FOR 2018/19 FOR THE INFORMATION REGULATOR TO THE PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES

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CHAIRPERSON OF THE INFORMATION
REGULATOR
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**INFORMATION
REGULATOR
(SOUTH AFRICA)**

*Ensuring protection of your personal information
and effective access to information*

DELEGATION FROM THE INFORMATION REGULATOR (REGULATOR)

1. Adv. Collen Weapond – Full-time Member: (Protection of Personal Information Act 4 of 2013 (POPIA))
2. Adv. Lebogang Stroom-Nzama – full-time Member: Promotion of Access to Information Act 2 of 2000 (PAIA)
3. Mr Sizwe Snail ka Mtuze – part-time Member
4. Mr Marks Thibela – Chief Executive Officer (CEO)

OUTLINE OF THE PRESENTATION

- INTRODUCTION
- MANDATE OF THE REGULATOR
- STRATEGIC OVERVIEW
- ACHIEVEMENTS AGAINST PERFORMANCE TARGETS FOR 2018/19
- ALLOCATED BUDGET
- CHALLENGES

INTRODUCTION

- The Regulator is established in terms of section 39 of POPIA as a juristic person which:.....
 - (a) “has jurisdiction throughout the Republic;*
 - (b) is independent and is subject only to the Constitution and the law and must be impartial and perform its functions and exercise its powers without fear, favour or prejudice;*
 - (c) must exercise its powers and perform its functions in accordance with this Act [POPIA] and PAIA; and*
 - (d) is accountable to the National Assembly”.*

INTRODUCTION cont..

- The Regulator consists of the Chairperson and four (4) ordinary members.
- The Members are appointed for a period of five (5) years by the President on the recommendation of the National Assembly.
- The Chairperson and the two (2) ordinary members are appointed on a full-time basis and the other two (2) on part-time basis.
- The Regulator is empowered in terms of section 47 to establish its own administration in consultation with the Minister of Finance.
- Funds of the Regulator consist of : (a) sums of money appropriated by Parliament annually.....; and (b) Fees as prescribed in terms of section 111(1) of POPIA.

MANDATE OF THE REGULATOR

- The Regulator derives its Constitutional mandate from sections 14 (The right to privacy) and 32 (The right of access to information) of the Constitution.
- Section 40 of the POPIA makes provision for the powers, duties and functions of the Regulator.
- The only sections in operation are 1, 39-54, 112 and 113 of POPIA.
- The PAIA function still remains with the South African Human Rights Commission (SAHRC) and will be transferred to the Regulator in terms of section 114 (4) of POPIA.

Strategic Overview

Vision

A world class institution in the protection of personal information and the promotion of access to information.

Mission

An independent institution which regulates the processing of personal information and the promotion of access to information in accordance with the Constitution and the law so as to protect the rights of everyone.

Values

Transparency; Accountability; Integrity; Excellence; Impartiality; and Responsiveness.

Summary of progress on the Establishment of the Administration

- The Regulator current has twelve (12) funded positions on the approved Organisational structure (CEO and Five (5) Executives and seven (7) Personal Assistants).
- Out of these twelve (12) posts, four (4) have been filled, namely: CEO and three Executives and the remaining eight (8) have been advertised and expected to be filled by the end of the Third quarter of the current financial year.
- The Regulator had consulted with the National Treasury in terms of section 47 (5) and presented Phase Two (2) positions that have to be funded. A total of forty one (41) position have been identified and costed. Feedback is still awaited from the National Treasury.
- It is anticipated that once the National Treasury has provided funding, the recruitment process will commence in the fourth quarter of this financial year.

STRATEGIC GOALS AND OBJECTIVES FOR THE REPORTING PERIOD

No.	STRATEGIC OUTCOME ORIENTED GOAL	No.	STRATEGIC OBJECTIVES
1	South Africans that are aware and understand their rights with regards to the protection of personal information	SO 1.1	Develop and implement awareness and educational programmes aimed at promoting the protection of personal information
2	A conducive legislative, policy and technological environment that promotes the protection of personal information and access to information	SO 2.1	Monitor and research the processing of personal information and computer technology to ensure the promotion of protection of personal information and access to information
3		SO 2.2	Monitor and enforce compliance by public and private bodies to ensure that existing and proposed legislation and policy promotes the protection of personal information and access to information
4	A conducive regulatory environment that promotes the protection of personal information and access to information	SO 3.1	Make Regulations, Guidelines, Codes of Conduct and Notices
5	Protection of personal information and access to information through the resolving of complaints	SO 5.1	Conduct prompt investigations of complaints and ensure resolution of disputes related to the violation of the protection of personal information and access to information
6	Alignment of National legislation with the international best practice through research	SO 6.1	Conduct comparative legal research relating to the protection of personal information and access to information and report to Parliament
7	Optimally functional independent Information Regulator	SO 7.1	Create a high performing Information Regulator to deliver on its mandates

ACHIEVEMENTS AGAINST SET TARGETS FOR 2018/19 FINANCIAL YEAR

Outreach and Research Committee

Performance Indicator	Planned Target 2018/19	Actual Achievement 2018/2019	Deviation from planned	Comment on deviations
Strategic Objective 1.1: Develop and implement awareness and educational programmes aimed at promoting the promotion of personal information and access to information				
Approved Public Awareness Strategy	Phase One (1) of Public Awareness Strategy implemented	Draft Public Awareness Strategy developed	Not achieved	Members decided to subject the draft Public Awareness Strategy to expert advice before approval.
Strategic Objective 2.1: Monitor and research the processing of personal information and computer technology to ensure the protection of personal information and access to information				
Approved Research Strategy	Research Strategy developed	Research Strategy drafted and tabled for discussion	Not achieved	Lack of human resources capacity
Strategic Objective 4.1: Undertake engagements with relevant stakeholders concerned with the protection of personal information and access to information				
Approved Stakeholder Engagement Strategy	Implementation of Stakeholder Engagement Strategy continued	Draft Stakeholder Engagement Strategy developed	Not achieved	Phase One (1) of Public Awareness Strategy implemented

Legal and Compliance Committee

Performance Indicator	Planned Target 2018/19	Actual Achievement 2018/2019	Deviation from planned target to Actual Achievement for 2018/19	Comment on deviations
Strategic Objective 3.1: Make Regulations, Guidelines on Codes of Conduct and Notices				
Approved Regulations	Regulations developed, tabled and approved	Regulations tabled in Parliament and published in the Government Gazette	Achieved	N/A
Approved Guidelines for Codes of Conduct	Guidelines for Codes of Conduct developed	Guidelines for Codes of Conduct in draft stage	Not achieved	Lack of human resources capacity

Complaints and Dispute Resolution Committee

Performance Indicator	Planned Target 2018/19	Actual Achievement 2018/2019	Deviation from planned target to Actual Achievement for 2018/19	Comment on deviations
Strategic Objective 5.1: Conduct prompt investigations of complaints and ensure the resolution of disputes related to the violation of the protection of personal information and access to information				
Approved Complaints Management System	Process Maps on Complaints Management System developed	Complaints Management System not developed	Not achieved	Delay in the appointment of the service provider to develop the Complaints Management System

Policy and Governance Committee

Performance Indicator	Planned Target 2018/19	Actual Achievement 2018/2019	Deviation from planned target to Actual Achievement for 2018/19	Comment on deviations
Strategic Objective 7.1: Create a High Performing Information Regulator to deliver on its mandate				
Approved Corporate Services Policies, Procedures and Systems	Recruitment Policy implemented	Recruitment Policy drafted and tabled for discussion, but not approved and implemented	Not achieved	The Regulator is still using the DoJ & CD policies
Approved Corporate Governance Policies	Corporate Governance Policies implemented	Charter of Roles and Responsibilities for Members approved	Achieved	N/A
		Delegation of Authority Policy not developed	Not achieved	Lack of human resources

Corporate Services Committee

Performance Indicator	Planned Target 2018/19	Actual Achievement 2018/2019	Deviation from planned target to Actual Achievement for 2018/19	Comment on deviations
Strategic Objective 7.1. Create a High Performing Information Regulator to deliver on its mandate				
Approved Organisational Structure	Organisational Structure implemented.	Phase One (1) of the Organisational Structure with the top seven (7) positions approved and Minister of Finance's concurrence obtained to implement it through the filling of six (6) of the seven (7) positions. The identified six (6) posts were advertised	Not achieved	Minister of Finance concurred on the implementation of the organisational structure on a phased approach
Approved Branding and Communication Strategy	Branding and Communication Strategy finalised	Branding and Communication Strategy not finalised	Not achieved	The bid for the development of the Branding and Communications Strategy was cancelled by the Bid Evaluation Committee of the DoJ&CD
Suitable office accommodation	Office accommodation for the Regulator secured	Office accommodation for the Regulator secured	Achieved	N/A

DETAILED EXPENDITURE VERSUS BUDGET

Description of Items	Expenses and Commitments (R'000)	Budget (R'000)	Available Budget (R'000)
COMPENSATION OF EMPLOYEES			
Salaries and wages	9,817	16,383	6,566
Social contributions	258	2,117	1,859
COMPENSATION OF EMPLOYEES (TOTAL)	10,075	18,500	8,425
GOODS AND SERVICES			
Registration fees	37	137	100
Travel agency fees	137	39	(98)
Promotional items	378	378	0
Advertising marketing and recruitment	452	452	0
Minor assets (equipment < R5000)	675	675	0
Catering	1	0	-1
Communication and data	86	86	0
Relocation contractors	23	23	0
Consumables (Cleaning and crockery)	15	15	0
Consumables (Stationary, Printing, Office supplies)	738	738	0
Lease of Building	859	859	0
Travel and Subsistence Domestic	1,458	1,457	-1
Travel and Subsistence Foreign	63	63	0
Printing and Publications	7	7	0
Venues and facilities	1,399	1,399	0
GOODS AND SERVICES (TOTAL)	6,328	6,328	0
MACHINERY AND EQUIPMENT			
Furniture, Office equipment, Computer equipment	714	714	0
EXPENDITURE (GRAND TOTAL)	17,117	25,542	8,425

EXPLANATORY NOTES ON THE BUDGET

- **Compensation of Employees**

The under spending under this item is as a result of the delay in the filling of the Phase one (1) positions, mainly the CEO and five (5) Executive Officers positions that were approved during the second quarter and advertised in the third quarter of the financial year. Appointments could not be finalised by end of March 2019 due to lack of human resource support to capture applications and prepare the lists of candidates for each of the positions.

- **Goods and Services**

There is no variance

- **Capital Assets**

There is no variance.

CHALLENGES

- Delays in the finalisation of the Top Structure of the Regulator .
- Inadequate administrative support to assist in the filling of the key advertised positions.
- Lack of staff to develop the identified strategies and plans.

Thank you

