



**INFORMATION
REGULATOR
(SOUTH AFRICA)**

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

**READINESS PLAN FOR THE
IMPLEMENTATION OF THE
PROTECTION OF PERSONAL
INFORMATION ACT 4 of 2013(POPIA)**

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1. BACKGROUND

The Information Regulator (Regulator) is established in terms of Section 39 of the Protection of Personal Information Act 4 of 2013 (POPIA). Which provides that “*there is hereby established a Juristic person to be known as the Information Regulator, which-*

- (a) *has the jurisdiction throughout the Republic;*
- (b) *is independent and subject 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 and the Promotion of Access to Information Act; and*
- (d) *is accountable to the National Assembly.”*

2. OBJECTIVE OF POPIA

The purpose of POPIA in terms of sections 2 (a) (i) and (ii), (b), (c) and (d) is to –

- (a) give effect to the constitutional right to privacy, by safeguarding personal information when processed by a responsible party, subject to justifiable limitations that are aimed at –
 - (i) balancing the right to privacy against other rights, particularly the right of access to information; and
 - (ii) protecting important interests, including the free flow of information within the Republic and across international borders;
- (b) regulate the manner in which personal information may be processed, by establishing conditions, in harmony with international standards, that prescribe the minimum threshold requirements for the lawful processing of personal information;
- (c) provide persons with rights and remedies to protect the personal information from processing that is not in accordance with this Act; and
- (d) Establish voluntary and compulsory measures, including the establishment of an Information Regulator, to ensure respect for and to promote, enforce and fulfil the rights protected by this Act.

3. SECTIONS OF POPIA THAT ARE CURRENTLY OPERATIONAL

3.1. On 19 November 2013 the President proclaimed the following sections of POPIA to come into effect-

- Section 1;
- Sections 39 to 54; and
- Sections 112 and 113.

3.2. On 17 June 2020 the President signed a Proclamation in terms of which the following sections of POPIA will come into effect on 1 July 2020:

- 2 to 38;
- 55 to 109;
- 111; and
- 114(1),(2) and (3)
- Sections 110 and section 114(4) will come into effect on 30 June 2021.

4. PURPOSE AND OBJECTIVE OF THE READINESS PLAN

4.1.1. The purpose of this Operational Readiness Plan (ORP) is to identify performance tasks and creating deliverables throughout the implementation period, to ensure the operating environment is prepared to effectively promote and protect the right to privacy as well as the right of access to information. The ORP will assist the Regulator to determine the readiness state of the organization and defines how close this environment is to the desired readiness state.

4.1.2. The objective of the ORP is to critically look at the organization's capacity to successfully deliver or to perform its functions under POPIA, as amended, and initiates appropriate actions or measures to bring a current state of readiness to one of confidence in long-term success of the organisation.



5. DETAILED ACTIONS TO BE UNDERTAKEN PER EACH PROVISION OF POPIA

Below table indicate provisions of POPIA that requires critical actions necessary for the successful functioning of the Information Regulator and enforcement of the Constitutional right of protection of personal information.

PROVISION OF POPIA <small>(Section that requires critical Action for the implementation of POPIA)</small>	ACTION UNDERTAKENT/ O BE UNDERTAKEN <small>(The action required by the provision)</small>	CURRENT STATUS <small>(The current status of the action)</small>	TIME FRAME <small>(Projected timeframe for completion of the Action)</small>	RESOURCES REQUIRED <small>(What are Resources required to complete the Action)</small>	AMOUNT REQUIRED <small>(Specify the amount required to execute the action)</small>	RESPONSIBLE <small>(Who is responsible for the Action)</small>	ACCOUNTABLE <small>(Who is accountable for the Action)</small>	CONSULTED <small>(Who should be Consulted regarding the Action)</small>	INFORMED <small>(Who should be informed about the Action)</small>
1. Definitions and Purpose	None	None	None	None	Nil	None	None	None	None
2. Purpose of Act	None	None	None	None	Nil	None	None	None	None
3. Interpretation and application of Act	None	None	None	None	Nil	None	None	None	None
4. Lawful processing of personal information	None	None	None	None	Nil	None	None	None	None
5. Rights of data	None	None	None	None	Nil	None	None	None	None

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subjects									
6. Exclusions Section 6	(a) Analysis of relevant legislation referred to in Section 6(1)(c) (i) and (ii) to establish whether it contains adequate safeguards and propose amendment of such legislation, where necessary. (b) Development of a guide for what constitutes national security	None	31 March 2021	Exec Legal, Policy, Research and Information Technology Analysis (LPRITA) and Exec: POPIA	Nil	CEO and Exec: POPIA and LPRITA	Members	None	Parliament
7(2) Exclusion for journalistic, literary or artistic	Analysis of the Press Code to determine	Press Council has already submitted its draft	31 March 2021	Existing Executive: POPIA and	Position already funded from	CEO and Executive:	Members	None	Parliament

Readiness Plan for the implementation of POPIA

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purposes	whether it provides adequate safeguards for the protection of personal information	Code of Conduct to the Regulator for analysis. The analysis will be done after the adoption of the Guidelines for the Development of Codes of Conduct referred to below		Exec: LPRITA	2019/20 Financial Year (FY)	POPIA			
8. Responsible party to ensure conditions for lawful processing	Development of an Internal Guide for interpreting the Eight (8) Conditions for Lawful Processing of Information.	None	31 March 2021	Existing Executive: POPIA	Position already funded from 2019/20 FY	CEO and Executive: POPIA	Members	None	None
9. Lawfulness of processing	None	None	None	None	Nil	None	None	None	None
10. Minimality	None	None	None	None	Nil	None	None	None	None

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11. Consent, justification and objection	Development of a Consent form Development of an Objection Form	Form 1 of POPIA Regulations	None	Existing Executive: POPIA	Position already funded from 2019/20 FY	CEO and Executive: POPIA	Members	None	Parliament
12. Collection directly from data subject	Development of a guide for the interpretation of “national security” in terms of section 12(2)(d)(iv) and in relation to other provisions in the Act.	Not yet developed	31 March 2021	Existing Executive: LPRITA	Position already funded from 2019/20 FY	Exec: LPRITA	Members	None	None
13. Collection for specific purpose	None	None	None	None	Nil	None	None	None	None
14. Retention and restriction of records	None	None	None	None	Nil	None	None	None	None
15. Further processing to be compatible with purpose of	None	None	None	None	Nil	None	None	None	None

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collection									
16. Quality of information	None	None	None	None	Nil	None	None	None	None
17. Documentation	None	None	None	None	Nil	None	None	None	None
18. Notification to data subject when collecting personal information	None	None	None	None	Nil	None	None	None	None
19. Security measures on integrity and confidentiality of personal information	None	None	None	None	Nil	None	None	None	None
20. Information processed by operator or person acting under authority	None	None	None	None	Nil	None	None	None	None
21. Security measures regarding	None	None	None	None	Nil	None-	None	None	None

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information processed by operator									
22. Notification of security compromises	(a) Provide guidance on the manner in which data subjects must be notified of unauthorised access or acquisition of their personal information as provided for in section 22(4)(e) (b) Provide guidance on the manner in which the responsible party must publicise the fact of any compromise to the integrity or confidentiality of	None	31 March 2021	Exec: LPRITA	Position already funded from 2019/20 FY	CEO and Executive: POPIA	Members	Members of the Public	Parliament

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	personal information if such compromise would protect a data subject who may be affected by the compromise as provided for in section 22(6)								
23.(1)(b)(ii) Access to personal information	Write to Minister to prescribe a fee	None	31 March 2021	Existing Executive: POPIA	Position already funded from 2019/20 FY	Chairperson	Members	Public and DOJ&CD	Parliament
	Write a letter to the Minister of Justice and Correctional Services (Minister) requesting him or her to prescribe Fees in terms of section	None	31 March 2021	Existing Executive: POPIA	Position already funded from 2019/20 FY	CEO and Executive: POPIA	Members	Members of the Public	Parliament

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	111(1)(a) of POPIA.								
24. Correction of personal information	Form – Request for correction or deletion or destroying or deletion of record	Form 2 developed as part of the POPIA Regulations.	None	None	Nil	CEO and Executive: POPIA	Members	None	Parliament
25. Manner of access	None	None	None	None	Nil	None	None	None	None
26. Prohibition of processing of special personal information	None	None	None	None	Nil	None	None	None	None
27(2). General authorisation concerning special personal information	(a) Development of an application form to authorise a responsible party to process special personal	None	31 March 2021	Exec: LPRITA	Position already funded from 2019/20 FY	CEO and Executive: POPIA and Exec: LPRITA	Members	Members of the Public	Parliament

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	information (b) Development of notice to be published in the Gazette; (c) Development of criteria for what constitutes public interest and appropriate safeguards as provided for in section 27(2).								
28. Authorisation concerning data subject's religious or philosophical beliefs	None	None	None	None	Nil	None	None	None	None
29. Authorisation concerning data subject's race or	Compilation of list of laws and measures designed to	None	31 March 2021	Exec: LPRITA	Nil	CEO and Executive: POPIA and Exec:	Members	None	Parliament

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ethnic origin	protect or advance persons or categories of persons disadvantaged by unfair discrimination					LPRITA			
30. Authorisation concerning data subject's trade union membership	None	None	None	None	Nil	None	None	None	None
31. Authorisation concerning data subject's political persuasion	Guidance note on the processing of personal information of a voter by a political party for campaigning purposes was issued in 2019	Guidance note developed	None	None	Nil	None	Members	None	None
32(2). Authorisation concerning data	Consult with stakeholders referred to in	None	31 March	Existing Executive:	Position already funded from	CEO and Executive:	Members	Members of the	Parliament

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subject's health or sex life	Section 32(1)(b) and (f) and Section 32(6) to determine regulations i.t.o 32(6) and 112(2)		2021	POPIA	2019/20 Financial Year	POPIA		Public	
33. Authorisation concerning data subject's criminal behaviour or biometric information	Analysis of how information is processed relating to personnel who are in the service of a responsible party in accordance with rules established that comply with labour legislation as provided for in section 33 (2).	None	31 March 2021	Executive POPIA	Nil	CEO and Executive: POPIA	Members	None	None

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34. Prohibition on processing personal information of children	None	None	None	None	Nil	None	None	None	None
35(1)(a). General authorisation concerning personal information of children	None	None	31 March 2021	Existing Executive: POPIA	Position already funded from 2019/20 Financial Year	CEO and Executive: POPIA	Members	None	Parliament
35(2). General authorisation concerning personal information of children	(a) Development of the application form and notice in the Gazette (b) Development of a Guidance note on what constitutes public interest and appropriate safeguards	None	31 March 2021	Existing Executive: POPIA and Exec : LPRITA	Position already funded from 2019/20 FY	CEO and Executive: POPIA and Exec: LPRITA	Members	Members of the Public	Parliament

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35(3). General authorisation concerning personal information of children	Development of criteria for the determination of “reasonable conditions” and “conditions”	None	31 March 2021	Existing Executive: POPIA and Exec: LPRITA	Position already funded from 2019/20 FY	CEO and Executive: POPIA and Exec: LPRITA	Members	None	Parliament
36. General	None	None	None	None	Nil	None	None	None	None
Section 37 Regulator may exempt processing of personal information	(a) The development of the exemption notice to be published in the Gazette (b)The development of a criteria to determine when public interest or clear benefit to the data subject or third party will trump the privacy of a data subject or third party. The	None	31 March 2021	Existing Executive: POPIA and Executive : LPRITA	Nil	CEO and Executive: POPIA and Executive : LPRITA	Members	Members of the Public	Parliament

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	criteria will ensure the application of a consistent standard for granting of exemptions								
38. Exemption in respect of certain functions	None	None	None	None	Nil	None	None	None	None
Sections 39(b) Establishment of the Regulator	Development of key HR and Finance Policies Separate the Administration of the Regulator from that of the DOJ&CD	Separation Plan for Finance and Human Resource Divisions developed List of key HR and Finance and HR Policies developed	31 March 2021	Refer to the establishment of the Administration of the Regulator in section 47 of POPIA	Refer to Section 47	CEO and CFO and Executive: Corporate Services (CS)	Members	National Treasury	Parliament

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Sections 39(b) Establishment of the Regulator	Request permission from the National Treasury to use transversal systems such as Basic Accounting System (BAS), Logistical Information System (LOGIS) and Personnel Salary System (PERSAL)	Letter of request already sent to the National Treasury by the Regulator and awaiting a response	31 December 2020	Accessibility to the existing transversal systems and pay license fees as determined by National Treasury	License fees payable will be determined by the National Treasury	CEO and CFO	Members	National Treasury	Parliament and DOJ & CD

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Section 40(1)(a) Powers and duties of the Regulator	Develop and conduct educational programmes to promote understanding on lawful processing of personal information, issue public statements on matters affecting the protection of personal information of a data subject	Training manual developed by the SAHRC Regulator issues statements on matters affecting protection of personal information	31 March 2022	Refer to the establishment of the Administration of the Regulator in section 47 of POPIA	Refer to Section 47	CEO and Executive: Education and Communication (E&C)	Members	None	Parliament
	Development of a Communication and Branding Strategy ,Enhance the Public	Specification for the Bid approved by the Bid Adjudicating Committee but not yet advertised due to	31 March 2021	Appointment of the Service provider	R1.8 Million (Budgeted in the current FY)	CEO and CFO and Executive: Education and Communication (E&C)	Members	DOJ&CD	Parliament

Readiness Plan for the implementation of POPIA

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	awareness Strategy and Plan and Stakeholders Strategy and Plan	moratorium placed by the National Treasury							
Section 40(1)(b)(i) Powers and duties of the Regulator	Establish a Unit to monitor and enforce compliance by public and private bodies of compliance of the Act.	Organisational Structure in place	1 April 2020 – 31 March 2024	Refer to the establishment of the Administration of the Regulator in section 47 of POPIA	Refer to Section 47 of POPIA	CEO and Executive: POPIA	Members	Parliament and Minister of Finance	Parliament
Section 40(1)(b)(ii) Powers and duties of the Regulator	Develop a Research Strategy and Plan to guide research imperatives relating to developments in information processing and computer	Research strategy and plan is under development	31 March 2021	Refer to the establishment of the Administration of the Regulator in section 47 of POPIA	Refer to Section 47 of POPIA	CEO and Executive: LPRITA	Members	Parliament and Minister of Finance	Parliament

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	technology to ensure protection of personal information								
Section 40(1)(b)(iii) Powers and duties of the Regulator	Examine proposed legislation, subordinate legislation, and make proposals on policies that will impact on the protection of personal information	None	31 March 2021	Refer to the establishment of the Administration of the Regulator in section 47 of POPIA	Budgeted from 2021/22 to 2023/24 FY	CEO and Executive: LPRITA	Members	Parliament and Minister of Finance	Parliament
Section 40(1)(b)(iv) Powers and duties of the Regulator	Submit reports to Parliament on policy matters relating to the protection of personal information of a data subject to enhance this	Annual Reports submitted to Parliament	As and when required	Refer to the establishment of the Administration of the Regulator in section 47 of POPIA	Budgeted from 2021/22 to 2023/24 FY	CEO and Executive: LPRITA	Members	Parliament and Minister of Finance	Parliament

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	right through legislative or administrative action								
Section 40(1)(b)(v) Powers and duties of the Regulator	Submit a report to Parliament within 5 months of the end of the financial year on activities of the Regulator	Reports are submitted as part of the annual report.	30 August 2020	Existing Executive: LPRITA	Nil	CEO and Executives	Members	None	Parliament
Section 40(1)(b)(vi) Powers and duties of the Regulator	Conducting assessments on request or on own initiative in relation to compliance with the conditions of lawful processing when processing of personal information.	Form 11 has been developed in terms of Regulation 11	31 March 2020	Existing Exec: POPIA	Nil	CEO and Exec: POPIA	Members	None	Parliament

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	Form 11								
Section 40(1)(b)(vii) Powers and duties of the Regulator	Monitor the use of unique identifiers and report to parliament on outcome and recommended action to better protect personal information	None	31 March 2020	Existing Exec: POPIA	Nil	CEO and Exec: POPIA	Members	None	Parliament
Section 40(1)(b)(viii) Powers and duties of the Regulator	Maintenance of registers, publishing and making and providing copies of such registers	None	31 March 2020	Existing Exec: POPIA	Nil	CEO and Exec: POPIA	Members	None	Parliament
Section 40(1)(b)(ix) Powers and duties of the Regulator	Examining of proposed legislation relating to the collection and disclosure of	None	31 March 2021	Refer to the establishment of the Administration of the Regulator in section 47 of	Budgeted from 2021/22 to 2023/24 FY	CEO and Executive: LPRITA	Members	Parliament and Minister of Finance	Parliament

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	personal information by public and private bodies			POPIA					
Section 40(1)(c) Powers and duties of the Regulator	(a) Consult with stakeholders relating to protection of personal information. (b) Participation of the Regulator in National, Regional and International bodies in relation to data protection and promotion of access to information (c) Mediate matters relating to the protection of personal	The Regulator participates in National, Regional and International as a <i>member and/or</i> through attendance of conferences	On going	Funding for conferences and seminars	Conference and membership fees budgeted for since 2019/20 FY	CEO	Members	None	Parliament

Readiness Plan for the implementation of POPIA

PROVISION OF POPIA (Section that requires critical Action for the implementation of POPIA)	ACTION UNDERTAKEN/ TO BE UNDERTAKEN (The action required by the provision)	CURRENT STATUS (The current status of the action)	TIME FRAME (Projected timeframe for completion of the Action)	RESOURCES REQUIRED (What are Resources required to complete the Action)	AMOUNT REQUIRED (Specify the amount required to execute the action)	RESPONSIBLE (Who is responsible for the Action)	ACCOUNTABLE (Who is accountable for the Action)	CONSULTED (Who should be Consulted regarding the Action)	INFORMED (Who should be informed about the Action)
	information.								
Section 40(1)(d) Powers and duties of the Regulator	Establishing Complaints and Investigation Unit to handle complaints	Organisational Structure in place	From 01 April 2021 to 31 March 2024	Refer to the establishment of the Administration of the Regulator in section 47 of POPIA	Refer to 47 of POPIA	CEO and Executive: Corporate Services and Executive: POPIA	Members	Treasury	Parliament
Section 40(1)(e) Powers and duties of the Regulator	(a) Establish of the Legal, Policy, Research and Information Technology Analysis Division to conduct research and report to parliament on international instruments relating to the protection of personal information of a	Organisational Structure in place	From 01 April 2021 to 31 March 2024	Refer to the establishment of the Administration of the Regulator in section 47 of POPIA	Refer to 47 of POPIA	CEO and Executive: Corporate Services and Executive: LPRITA	Members	National Treasury	Parliament

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	data subject. (b)Research legislative amendments								
Section 40(1)(f) (i) Powers and duties of the Regulator	(a) Issue a Code of Conduct and publish it in the Gazette		30 June 2021	Existing Executive: POPIA, Executive: PAIA and Executive: LPRITA	R300.00 (for publishing a Gazette through Government Printing Works)	CEO and Executive: POPIA, Executive: PAIA and Executive: LPRITA	Members	Members of the Public	Parliament
Section 40(1)(f)(ii) Powers and duties of the Regulator	Develop guidelines to assist bodies to develop codes of conduct or to apply codes of conduct	Guidelines to develop Codes of Conduct have been developed and consulted upon. Public comments are being reviewed	31 March 2021	Existing Executive: POPIA, Executive: PAIA and Executive: LPRITA	R300.00 (for publishing a Gazette through Government Printing Works)	CEO and Executive: POPIA, Executive: PAIA and Executive: LPRITA	Members	Members of the Public	Parliament
Section 40(1)(g) Powers and duties of the Regulator	Develop Guidelines on trans-border information flow	First Draft of Guidelines completed.	31 August 2020	Existing Executive: POPIA, Executive: PAIA and Executive:	Positions already funded in the 2019/20 Financial	CEO and Executive: POPIA and Executive:	Members	None	Parliament

Readiness Plan for the implementation of POPIA

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				LPRITA	Year	PAIA			
Section 40(1)(h) Powers and duties of the Regulator	None	None	None	None	None	None	None	None	None
Section 40(2) Powers and duties of the Regulator	Publish reports on the Regulators functions or matters investigated that would be in the public interest	None	30 June 2021	Existing Executive: LPRITA	Position already funded in the 2019/20 FY	CEO and Executive: LPRITA	Members	None	Parliament
Section 40(3) Powers and duties of the Regulator	(a) Develop a Subpoena Template (b) Develop witness fees for any person who has been summoned to attend as a	None	30 June 2021	Existing Executive: POPIA	Position already funded in the 2019/20 Financial Year	CEO and Executive: POPIA	Members	None	Parliament

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	witness or who has given evidence								
Section 40(4) Powers and duties of the Regulator	Establishment of PAIA Division	Organisational Structure in place	April 2020/2021 FY to 2023/2024 FY	Existing Executive: PAIA and Senior Manager: Compliance and Monitoring Identified Twenty three (23) positions in the Organisational Structure	Position already funded in the 2019/20 and 2020/21 FY Budgeted to be made available between 2021/22 and 2023/2024 FY	CEO and Executive: PAIA and Executive: Corporate Services	Members	Minister of Finance	Parliament
41. Appointment, term of office, removal of Members of the Regulator	President appoints Members on the recommendation of Parliament.	Five (5) Members were appointed on the 1 December 2016 and one (1) Member resigned on 30 September	Sept. 2020	None	Position has been funded since 2016/17 Financial Year	Portfolio Committee on Justice and Correctional Services	Parliament and President		Minister of Justice and Correctional Services and Regulator

Readiness Plan for the implementation of POPIA

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		2019. The process to fill the vacancy is currently underway							
41(2)(a)	Appointment of the Chairperson and Members of the Regulator by the President	Chairperson and Members appointed.	None	None	Nil	None	None	None	None
42 Vacancies	Filling the vacancy of part-time Members as a result of the resignation of the previous incumbent	The process of filling the vacancy currently underway	Unknown	Members of Parliament	Nil	Portfolio Committee	President	National Assembly	None
43(2)(a) Powers, duties and Functions of the Chairpersons other Members	Designation of individual Members to take responsibility for POPIA and	Two (2) Members designated for POPIA and PAIA respectively	None	None	Nil	None	None	None	None

Readiness Plan for the implementation of POPIA

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	PAIA divisions								
44 Regulator to have regard to certain matters	a)Conduct research on the meaning of section 44(2)(b); b)Compile a list of relevant international treaties ratified by South Africa.; and c)Compile a list of general international guidelines relevant to the better protection of individual privacy	None	None	None	Nil	Executive Legal, Policy	Members		Parliament
45 Conflict of	a)Development of Declaration	Declaration of Interest Policy	Annual Declaratio	None	Nil	None	None	None	None

Readiness Plan for the implementation of POPIA

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interest	of Interest Policy b)Development of disclosure of interest form referred to in section 45(2)(a)	and Forms developed	n by the Members						
46 Remuneration, allowance, benefits and privileges of Members	Determination of remuneration, allowances and benefits of Member and privileges of Members.	Minister of Justice and Correctional Services only determined remuneration and allowances, benefits and privileges are still outstanding	Unknown	Unknown	Not yet determined	Minister of Justice and Correctional Services	Minister of Justice and Correctional Services	Minister of Finance	Parliament and Presidency

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47 Staff	Establishment of Administration of the Regulator: Develop an Organisational Structure (Structure) and create a Budget and Programme Structure.	Organisational Structure developed and positions being filled in a phased-in approach, that is: Phase One (1) to Five (5)	From 1 April 2019/20 to 31 March 2023 for only Phases One (1) to Three (3).	Organisational Structure with a total of 378 positions developed and being filled in the following Phases: Phase One (1) with Thirteen posts, Phase Two (2) with Eighteen (18) posts, Phase Three (3) with Ninety (95) positions, Phase Four (4) with Sixty three (63) positions and Phase Five (5) with One hundred and eighty one (189) positions.	Funding is allocated in terms of Section 47 (5) of POPIA	Chairperson , CEO and CFO	Members	Minister of Finance	Parliament

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48(d) Powers and duties of Chief Executive Officer	Development of the Delegation of Authority (DoA) Framework (Delegate responsibilities from the Members to the CEO in terms of POPIA)	Draft DoA Framework in place	31 March 2021	Members	Nil	Members	Members	None	Parliament
	Development of the Delegation of Authority Framework (Delegate responsibilities from the CEO to other Staff in terms of Section 44 of the Public Finance Management Act 1 of 1999)	Draft DoA Framework in terms of PFMA being prepared	31 March 2021	CEO	Nil	CEO	Members	None	National Treasury

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	as amended)								
49(1) Committees of the Regulator	Establishment of Oversight Committees	The following Oversight Committees are in place: <ul style="list-style-type: none"> • Policy, Governance and International Cooperation • Corporate Services • Information and Communication Technology • Risk Management • Complaints and Investigations • Compliance and Monitoring • Education 	31 March 2020	None	Nil	Members	Members	None	Parliament and Minister

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		and Communication <ul style="list-style-type: none"> Legal, Policy, Research and Information Technology Analysis 							
	Review of the existing of ToR of the Committees	Drafts of the revised ToR for Committees in place	31 July 2020	None	Nil	Member	Members	None	Parliament
50(1)(a) Appointment	Appoint One (1) Member of the Regulator to the Enforcement Committee.	Not yet done	31 March 2021	None	Nil	Members	Members	None	Parliament
50(2)(a) and (b) Establishment of Enforcement	The Regulator has to consult with the Chief Justice and the	Not yet done	31 March 2021	None	Nil	Chairperson	Members	Chief Justice and the Minister	Parliament

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Committee	Minister in order to appoint a Judge to be designated as Chairperson of the Committee b) Consult the Minister of Justice if an attorney or advocate is appointed.			Secretarial Services will be required external members for time spend whilst attending to matters of the Regulator Electronic recording devices to be used during the proceedings	Post of Secretariat for the Regulator has been identified and will only be funded in Phase Four (4) from 2023/24 FY Funds to be made available within the Goods and Service Budget from 2021/22 FY	CEO	Members	Minister of Finance	Parliament
51 Meetings of the Regulator	Development of the Governance Charter	Charter of Roles and Responsibilities for Members developed and	On going	Secretariat for Regulator's meeting catering for the Regulator's	Position of the Secretariat will only be funded in	CEO to allocate budget from the allocated	Members	Minister of Finance	Parliament and DOJ&CD

Readiness Plan for the implementation of POPIA

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		being implemented		Ordinary meetings	2023/24 FY	funds			
52(1)(a) Funds	Appropriation of funds to the Regulator by Parliament Create a separate allocation independent from any of the Branches of the DOJ& CD although the Budget will still fall under Vote 21: DOJ&CD. National Treasury has to be notified	Funds currently appropriated under Vote 21: DOJ& CD Regulator already established its Programme Structure from 1 April 2020 which will guide the budget allocation	31 March 2021	Existing CEO and CFO to handle the task of creating a separate budget of the Regulator	Nil	CEO and CFO	Members	Minister of Finance	Parliament
52(1)(b) Funds	Request the Minister of Justice to prescribe fees	Not yet done	30 Sept. 2021	Existing Executive: POPIA, Executive: PAIA	Positions already funded from	Minister of Justice	Members	Regulator	Parliament

Readiness Plan for the implementation of POPIA

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	to be paid by data subjects Submit a request to the DOJ&CD to investigate and develop prescribed fees in terms of POPIA			and Executive: LPRITA to work on the initial draft document	2019/20 FY				
53. Protection of Regulator	None	None	none	none	none	none	none	none	None
54. Duty of confidentiality	Development of the Code of Conduct for the Staff of the Regulator	The Regulator currently uses the Code of Conduct	31 March 2021	Existing Executive: CS	Position already funded from 2019/20 FY	CEO and Executive: CS	Members	None	Parliament
Section 55 and 56 Information Officers	Development of a Guidelines for the registration of Information Officers and designation and delegation of Deputy	Draft Guideline in place and being finalised by 30 July 2020.	31 March 2021	Executive POPIA	Nil	CEO and Executive POPIA	Members	None	Parliament

Readiness Plan for the implementation of POPIA

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	Information Officers								
	Development of electronic register of information officers Development of an electronic portal enabling access to the register of Information Officers	Not yet developed	3 March 2021	Portal to be developed internally with the assistance of the DOJ & CD's Information Systems Management Branch	Nil	CEO and Executive: PAIA	Members	DOJ & CD	Parliament
57. Processing subject to prior authorisation	Pro-forma form to be developed for application for prior authorisation by responsible party.	None	31 March 2021	Existing Executive: POPIA	Nil	CEO Executive: POPIA	Members	None	Parliament
58(3). Responsible party to notify	None	None	None	None	Nil	None	None	None	None

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Regulator if processing is subject to prior authorisation									
59. Failure to notify processing subject to prior authorisation	None	None	None	None	Nil	None	None	None	None
Sections 60-68 Codes of Conduct	a) Issuing Codes of Conduct in terms of Section 61 (2). (b) Publication of notice in government gazette (c) Design a process chart detailing the process from receipt of application to finalisation where the	Not yet developed	30 June 2021	None	R300.00 (for publishing in the Gazette through Government Printing Works)	CEO and Executive: POPIA and Executive: LPRITA	Members	Members of the Public	Parliament

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	<p>decision to issue a code or not , including time frames for decision making and reasons for decision taken are outlined.</p> <p>(d) Design a notification form</p> <p>(e) Develop a guideline outlining a procedure to deal with complaints</p> <p>(f) Publish notice in gazette when a code of conduct is amended or revoked.</p> <p>(g) Retain copies of the amended or</p>								

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	revoked code on website, make available for inspection or purchase or copying by the public. (h) Develop and maintain a register of approved codes of conduct. (i) Develop an Electronic Register (portal) of approved Code of Conducts for various sectors (j) Develop criteria for process on how complaints are to be dealt with (k) Send a letter								

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	to the Minister to prescribe fees under section 111. (l) Conduct inspections on adjudicators records (m) Create a panel of experts to review provisions of codes where deemed necessary by the Regulator (n) Develop process for how failure to comply with a code is dealt with under Chapter 10 (Enforcement)								

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69(2). Direct marketing by means of unsolicited electronic communications	The consent form (form 4) in terms of regulation 6 developed	The consent form is developed.	None	None	Nil	CEO and Executive: POPIA	Members	None	Parliament
70. Directories	None	None	None	None	Nil	None	None	None	None
71. Automated decision making	Development of guidelines on automated decision making and profiling	None	31 March 2020	Executive: POPIA and Executive: LPRITA	Nil	CEO and Executive: POPIA and Executive: LPRITA	Members	None	Parliament
72(1)(a). Transfers of personal information outside Republic	Development of guidelines on trans-border information flows	In development stage	30 December 2020	Existing Executive: POPIA	Nil	CEO and Executive: POPIA	Members	None	Parliament
73. Interferences with protection of personal information of data subject	None	None	None	None	Nil	None	None	None	None
74. Complaints	Develop Rules of Procedure on	None	None	Existing Executive:	Nil	CEO and Existing	Members	None	Parliament

Readiness Plan for the implementation of POPIA

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	the handling of complaints			POPIA , Executive: PAIA and LPRITA		Executive: POPIA , Executive: PAIA and LPRITA			
	To develop an Electronic Complaints Management System	Complaint Form (form 5) has been developed in regulations	None	Executive: POPIA , Executive: PAIA and LPRITA	Nil	CEO and Existing Executive: POPIA , Executive: PAIA and LPRITA	Members	None	Parliament
	Procurement of the Electronic Complaints Management System	None	31 March 2021	Existing Executives: POPIA and PAIA, DOJ&CD Bid Committees	R1 Million	CEO, CFO and Executive: POPIA and PAIA	Members	DOJ&CD	Parliament
75(2). Mode of complaints to Regulator	Appointment of Complaint Registration Officer to assist data subject in lodging a complaint.	Position advertised	31 October 2020	Refer to the establishment of the administration of the Regulator in section 47 of POPIA	Budgeted for 2020/21 FY	CEO and Executive: CS	Members	None	Parliament

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76. Action on receipt of complaint	(a) Establishment of Complaints and Investigating subdivision or unit (b) Establishment of a Conciliation Unit (c) Development of processes and procedures for referral of matters to the Enforcement Committee	Refer to section 40 above	Refer to section 40 above.	Refer to section 40 above.	Refer to section 40 above.	Refer to section 40 above.	Refer to section 40 above.	Refer to section 40 above.	Refer to section 40 above.
77(3). Regulator may decide to take no action on complaint	Pro- Forma Notice to take no action is been developed	Pro-forma has been developed	31 March 2021	Existing Executive: POPIA	Nil	CEO and Executive: POPIA	Members	None	None
78(2). Referral of complaint to	A Template of Referral Notice	None	30 June	Existing Executive:	Nil	CEO and Executive:	Members	None	Parliament

Readiness Plan for the implementation of POPIA

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Regulatory body	to the Regulatory body and template of Referral Notice to the complainant.		2021	POPIA and Executive: LPRITA		POPIA and Executive: LPRITA			
	Enter into memorandum of understanding with Regulatory bodies.	None	30 June 2021	Existing Executive: POPIA and Executive: LPRITA	Nil	CEO and Executive: POPIA and Executive: LPRITA	Members	None	Parliament
	Enters into MOU's with Regulatory bodies.	None	30 June 2021	Existing Executive: POPIA and Executive: LPRITA	Nil	CEO and Executive: POPIA and Executive: LPRITA	Members	None	Parliament
79(a). Pre-investigation proceedings of Regulator	Development of Regulator Notice of intension to conduct investigation	Form 8 developed	None	Existing Executive: POPIA and Executive: LPRITA	Nil	CEO and Executive: POPIA and Executive: LPRITA	Members	None	Parliament

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79(b). Pre-investigation proceedings of Regulator	Regulator Notice to the complainant of its intension to conduct investigation	Form 8 developed	None	Existing Executive: POPIA and Executive: LPRITA	Nil	CEO and Executive: POPIA	Members	None	Parliament
80. Settlement of complaints	(a) Develop a notice to parties regarding settlement meeting	Form 9 form developed	None	Existing Executive: POPIA, Executive: PAIA and Executive LPRITA	Nil	CEO and Executive: POPIA, Executive: PAIA and Executive	Members	None	Parliament
	(b) Development settlement certificate template	Form 10 settlement certificate developed	None	Existing Executive: POPIA	Nil	CEO and Executive: POPIA	Members	None	Parliament

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81(a). Investigation proceedings of Regulator	Develop a subpoena template (subpoena of a person to appear or produce documents)	Not yet developed	31 March 2021	Existing Executive: POPIA, Executive: PAIA and Executive LPRITA	Nil	CEO and Executive: POPIA, Executive: PAIA and Executive LPRITA	Members	None	Parliament
Section 81(b) Investigation proceedings	Prescribe an oath to be administered	Not yet done	31 March 2020	Executive: POPIA, Executive: PAIA and Executive LPRITA	None	Executive: POPIA, Executive: PAIA and Executive LPRITA	Members	Members	Parliament
82(2). Issue of warrants	To develop Pro Forma Warrant of search and seizure	Not yet done	31 March 2021	Existing Executive: POPIA, Executive: PAIA and Executive LPRITA	Nil	CEO and Executive: POPIA	Members	None	Parliament
83. Requirements for issuing of warrant	Engagement with relevant stakeholders such as SAPS,	Not yet done	30 June 2021	Executives for LPRITA, POPIA and POPIA and	Nil	CEO and Executives	Member	None	Parliament

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	NPA, Magistrates Commission.			E&C					
84. Execution of warrants	Engagement with relevant stakeholders such as SAPS, NPA, Magistrates Commission.	Not yet done	June 2021	Executives for LPRITA, POPIA and POPIA and E&C	Nil	CEO and Executives	Members	None	Parliament
85. Matters exempt from search and seizure	Engagement with relevant stakeholders such as SAPS, NPA, Magistrates Commission.	Not yet done	None	None	Nil	None	None	None	None
86. Communication between legal adviser and client exempt.	None	None	None	None	Nil	None	None	None	None
87. Objection to search and	Pro-forma objection notice	Not yet done	31 March 2021	Existing Executive:	Nil	CEO and Executive:	Members	None	Parliament

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seizure	to be developed			POPIA		POPIA			
88. Return of warrants	Procure an endorsement stamp	Not yet done	31 March 2021	Existing Executive: POPIA to procure the stamp	R500.00	Executive: POPIA and CFO	CEO, CFO and Executive: POPIA	None	Parliament
89(1). Assessment	To develop a notice of intention to conduct an assessment	Form 11 developed	Form already in place and can be used from 1 July 2020	Existing Executive: POPIA	Nil	CEO and Executive: POPIA	Members	None	Parliament
90. Information notice	Develop a Pro-forma information Notice.	Not yet done	31 March 2021	Existing Executive: POPIA	Nil	CEO and Executive: POPIA	Members	None	Parliament
90(9) Information notice	To develop Pro-forma notice for cancellation of Information Notice	Not yet done	31 March 2021	Existing Executive: POPIA	Nil	CEO and Executive: POPIA	Members	None	Parliament

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91(2). Parties to be informed of result of assessment	Development of criteria of what constitutes public interest.	Not yet done	31 March 2021	Executive: E&C	Budgeted for 2020/21 FY	CEO and Executive: E&C	Members	None	Parliament
92. Matters referred to Enforcement Committee	Make regulations regarding the procedure to be followed by the enforcement committee	Not yet done	30 June 2021	Existing Members	Nil	Chairperson	Members	None	Parliament
93. Functions of Enforcement Committee	None	None	None	None	Nil	None	None	None	None
94. Parties to be informed of developments during and result of investigation	To develop Pro-Forma Form informing Parties of the developments during and after the investigations.	Form 13-19 developed under regulations	To come into effect from 1 July 2020	Existing Executive: POPIA	Nil	CEO and Executive: POPIA	Members	None	Parliament
95. Enforcement notice	To develop pro-forma enforcement	Refer to form 13 of the	To come into effect from 1	Existing Executive:	Nil	CEO and Executive:	Members	South African Police	Parliament

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	Notice	Regulations	July 2020	POPIA		POPIA		Service (SAPS)	
96. Cancellation of enforcement notice	Develop Pro-Forma for cancellation/or variation of Enforcement Notice	Refer to Form 16 of the Regulations	To come into effect from 1 July 2020	Existing Executive: POPIA	Nil	CEO and Executive: POPIA	Members	None	Parliament
97. Right of appeal	None	Refer to Form 17 of the Regulations	To come into effect from 1 July 2020	Existing Executive: POPIA	Nil	CEO and Executive: POPIA	Members	None	Parliament
98. Consideration of appeal	None	None	None	None	Nil	None	None	None	None
99.(4)(a) Civil remedies	The Regulator to open a Trust Account	None	31 March 2021	Existing CEO and CFO	Nil	CEO and CFO	Members	National Treasury	Parliament
100. Obstruction of Regulator	None	None	None	None	Nil	None	None	None	None
101. Breach of confidentiality	None	None	None	None	Nil	None	None	None	None

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102. Obstruction of execution of warrant	None	None	None	None	Nil	None	None	None	None
103. Failure to comply with enforcement or information notices	None	None	None	None	Nil	None	None	None	None
104. Offences by witnesses	None	None	None	None	Nil	None	None	None	None
105. Unlawful acts by responsible party in connection with account number	None	None	None	None	Nil	None	None	None	None
106. Unlawful acts by the Responsible parties in connection with account number.	None	None	None	None	Nil	None	None	None	None
107. Penalties	None	None	None	None	Nil	None	None	None	None

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108. Magistrate's Court jurisdiction to impose penalties	None	None	None	None	Nil	None	None	None	None
109. Administrative fines	Develop Pro Forma Infringement Notice	No yet done	31 March 2021	Existing Executive: POPIA	Nil	CEO and Executive: POPIA	Members	None	Parliament
110. Amendment of Laws	None	None	None	None	Nil	None	None	None	None
111. Fees	Send a letter to the Department of Justice and Constitutional Development requesting the Minister to prescribe fees under section 111.	None	30 July 2020	Chairperson	Nil	Minister	Members	Members	Parliament
112(1). Regulations	Regulations made by the Minister	Not yet done	Not yet decided	Minister	Nil	Minister	Minister	Regulator and Members of the	Parliament

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								Public	
112)2 Regulations	Regulations made by the Regulator	Regulations published in December 2018	Already done in Dec. 2018	Members	Nil	Chairperson	Members	Public and Parliament	Minister
113. Procedure for making regulations	none	None	None	Members	Nil	None	None	None	None
114.(4) Transitional arrangements	Consultations with South African Human Rights Commission (SAHRC)	Memorandum of Cooperation (MoC) signed between the Regulator and SAHRC and being implemented	On going until 30 June 2021	Executive: PAIA	Nil	CEO and Executive: PAIA	Members	SAHRC	Parliament
115	None	None	None	None	None	None	None	None	None

6. REGULATIONS OR CODES OF CONDUCT REQUIRED IN TERMS OF POPIA

PROVISION OF POPIA	REGULATIONS DEVELOPED	REGULATION / CODE OF CONDUCT THAT MUST BE DEVELOPED	TIMEFRAME	RESOURCES REQUIRED	COST/ AMOUNT	RESPONSIBLE	ACCOUNTABLE	CONSULTED	INFORMED
Section 11(3)(a)	Objection to processing of personal information Yes, Regulation 2 Form 1	None	None	Existing Executive: POPIA	Nil	CEO and Executive: POPIA	Members	Members and the Public	Parliament
Section 14(3)(a)	None	Retention or restriction of records in accordance with a code of conduct or prescribed law	01 July 2021	Existing Executive: POPIA	Nil	DOJ&CD Legislative Development Branch and Members	Minister of Justice and Constitutional Development	Members and the Public	Parliament
CONDITION 7 SECTION 19(3)	None	Security Safeguards :security measures on integrity and confidentiality of	01 July 2021	Existing Executive: POPIA	Nil	DOJ&CD Legislative Development Branch and Members	Minister of Justice and Constitutional Development	Members and the Public	Parliament

PROVISION OF POPIA	REGULATIONS DEVELOPED	REGULATION / CODE OF CONDUCT THAT MUST BE DEVELOPED	TIMEFRAME	RESOURCES REQUIRED	COST/ AMOUNT	RESPONSIBLE	ACCOUNTABLE	CONSULTED	INFORMED
		personal information							
SECTION 24(1)	Regulation 3 Request for correction or deletion of personal information or destruction or deletion of record of personal information Form 2	None	None	Existing Executive: POPIA	Nil	CEO and Executive: POPIA	Members	Members and the Public	Parliament
Section 32 (1) (b) and Section 32(6)	None	Regulations in terms of Section 32(6) processing of health information by certain responsible parties under	01 July 2021	Existing Executive: POPIA	Nil	DOJ& CD Legislative Development Branch and Members	Minister of Justice and Constitutional Development	Members and the Public	Parliament

Readiness Plan for the implementation of POPIA

PROVISION OF POPIA	REGULATIONS DEVELOPED	REGULATION / CODE OF CONDUCT THAT MUST BE DEVELOPED	TIMEFRAME	RESOURCES REQUIRED	COST/ AMOUNT	RESPONSIBLE	ACCOUNTABLE	CONSULTED	INFORMED
		32(1) (b) and (f)							
Section 55(1) (e)	Regulation 4: Duties and Responsibilities of Information Officers	Develop guidelines for the Duties and Responsibilities of Information Officers :	01 July 2021	Existing Executive: POPIA	Nil	DOJ& CD Legislative Development Branch and Members	Minister of Justice and Constitutional Development	Members and the Public	Parliament
Section 57 (2)	None	Regulations on Prior Authorisation Processing	01 July 2021	Executive: POPIA	R Nil	DOJ& CD Legislative Development Branch and Members	Minister of Justice and Constitutional Development	Members and the Public	Parliament
Section 60	None	Guidelines to develop codes of conduct (currently (in progress)	01 July 2021	Members and Executives	Nil	CEO and Executive: POPIA	Minister of Justice and Constitutional Development	Members and the Public	Parliament
Section 61 (1) (b)	Application for issuing a code of conduct Regulation 5 Form 3	None	None	Existing Executive: POPIA	Nil	CEO and Executive: POPIA	Members	Members and the Public	Parliament

Readiness Plan for the implementation of POPIA

PROVISION OF POPIA	REGULATIONS DEVELOPED	REGULATION / CODE OF CONDUCT THAT MUST BE DEVELOPED	TIMEFRAME	RESOURCES REQUIRED	COST/ AMOUNT	RESPONSIBLE	ACCOUNTABLE	CONSULTED	INFORMED
Section 69 (2)	Request for data subjects consent to process personal information Regulation 6, Form 4	None	None	Existing Executive: POPIA	Nil	CEO and Executive: POPIA	Minister of Justice and Constitutional Development	Members and the Public	Parliament
Section 74(1) (2)	Submission of a complaint Regulation 7 , Form 5	None	None	Existing Executive: POPIA	Nil	CEO and Executive: POPIA	Members	Members and the Public	Parliament
Section 76 (1) (b)	Regulator acting as conciliator during investigation Regulation 8 Form 6	None	None	Executive: POPIA	Nil	CEO and Executive: POPIA	Members	Members and the Public	Parliament
Section 79	Pre-investigation proceedings of	None	None	Existing Executive: POPIA	Nil	CEO and Executive: POPIA	Members	Members and the Public	Parliament

Readiness Plan for the implementation of POPIA

PROVISION OF POPIA	REGULATIONS DEVELOPED	REGULATION / CODE OF CONDUCT THAT MUST BE DEVELOPED	TIMEFRAME	RESOURCES REQUIRED	COST/ AMOUNT	RESPONSIBLE	ACCOUNTABLE	CONSULTED	INFORMED
	Regulator, Regulation 9 Form 8								
Section 79(b)(ii) and Section 80	Settlement of complaints, Regulation 10 Form 9	None	None	Existing Executive: POPIA	Nil	CEO and Executive: POPIA	Members	Members and the Public	Parliament
Section 89 (1)	Assessments, Regulation 11, Form 11	None	None	Existing Executive: POPIA	Nil	CEO and Executive: POPIA	Members	Members and the Public	Parliament
Section 92 (2)	None	Enforcement Committee Procedural Guidelines	01 July 2021	Members	Nil	DOJ&CD Legislative Development Branch and Members	Minister of Justice and Constitutional Development	Members and the Public	Parliament
Section 94	Informing of parties of developments regarding investigation Regulation 12 Form 13	None	None	Existing Executive: POPIA and PAIA	Nil	CEO and Executive: POPIA	Members	Members of the Public	

Readiness Plan for the implementation of POPIA

PROVISION OF POPIA	REGULATIONS DEVELOPED	REGULATION / CODE OF CONDUCT THAT MUST BE DEVELOPED	TIMEFRAME	RESOURCES REQUIRED	COST/ AMOUNT	RESPONSIBLE	ACCOUNTABLE	CONSULTED	INFORMED
	Form 14 Form 15 Form 16 Form 17 Form 18 Form 19								
Section 111(1) and 112(b)	None	Regulations on Prescribed Fees in terms of 111. (1) (a) and(b) 111(2) The Minister may, subject to section 113 and) and (b), respectively.	01 July 2021	Existing Executive: POPIA	Nil	DOJ&CD Legislative Development Branch and Members	Minister of Justice and Constitutional Development	Members and the Public	Parliament
Section 112(1)	Yes	Establishment of the Regulator	None	None	Nil	DOJ&CD Legislative Development Branch and Members	Minister of Justice and Constitutional Development	Members and the Public	Parliament

Readiness Plan for the implementation of POPIA

PROVISION OF POPIA	REGULATIONS DEVELOPED	REGULATION / CODE OF CONDUCT THAT MUST BE DEVELOPED	TIMEFRAME	RESOURCES REQUIRED	COST/ AMOUNT	RESPONSIBLE	ACCOUNTABLE	CONSULTED	INFORMED
Section 112 (2) (m) and Section 109	None	Administrative Fines	01 July 2021	Existing Executive: POPIA	Nil	DOJ& CD Legislative Development Branch and Members	Minister of Justice and Constitutional Development	Members and the Public	Parliament