

**PRESENTATION OF THE FOURTH  
QUARTER PERFORMANCE  
REPORT FOR THE 2019/20  
FINANCIAL YEAR AND FIRST  
QUARTER PERFORMANCE  
REPORT FOR THE 2020/21  
FINANCIAL YEAR**

**ADV. P. TLAKULA  
CHAIRPERSON OF THE INFORMATION  
REGULATOR  
8 OCTOBER 2020**



**INFORMATION  
REGULATOR  
(SOUTH AFRICA)**

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

# DELEGATION FROM THE INFORMATION REGULATOR (REGULATOR)

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

# 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”.*

# 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.
- All sections of POPIA have now come into operation, except for sections 110 and 114(4), which will come into operation on 30 June 2021.
- The PAIA function still remains with the South African Human Rights Commission (SAHRC) and will be transferred to the Regulator when sections 110 and 114(4) of POPIA come into operation on 30 June 2021.

# 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.

# **FOURTH QUARTER PERFORMANCE REPORT FOR THE 2019/20 FINANCIAL YEAR**

## **ACHIEVEMENTS AGAINST SET PERFORMANCE TARGETS**

# STRATEGIC GOALS AND STRATEGIC OBJECTIVES FOR 2019/20 FINANCIAL YEAR

STRATEGIC GOALS		STRATEGIC OBJECTIVES	
1.	Persons who are aware and understand their rights with regard to the protection of personal information	SO 1.1	Develop and implement educational, awareness and stakeholder engagement programmes aimed at promoting the protection of personal information
2	A conducive Legal, Policy, Research and Information Technology Analysis environment that promotes the protection of personal information	SO 2.1	Develop and approve a research strategy and plan aimed at ensuring the protection of personal information
		SO 2.2	Monitor and enforce compliance by public and private bodies to ensure that existing legislation promotes the protection of personal information
3	A compliant environment that fosters the protection of personal information and promotion of access to information	SO 3.1	Develop Guidelines for the Codes of Conduct and produce a Manual for POPIA
		SO 3.2	Develop a process for the handover of PAIA functions from the South African Human Rights Commission (SAHRC)
4	Protection of personal information through resolving of complaints	SO 4.1	Handling of complaints related to the alleged violations of the protection of personal information
5	Optimally functional independent Information Regulator	SO 5.1	Fully established administration to enable delivery on the mandate

# EDUCATION AND COMMUNICATION COMMITTEE

**Strategic Goal:** Persons who are aware and understand their rights with regard to the protection of personal information

**Strategic Objective:** Develop and implement educational, awareness and stakeholder management programmes aimed at promoting the protection of personal information.

Performance Indicator	Annual target: 2019/20	Quarterly Target		Reason for Variance
		Target	Actual Achievement	
Approved and implemented Public Awareness Strategy and Plan for POPIA	Approved and implemented Public Awareness Strategy and Plan	Public Awareness Strategy and Plan implemented	Achieved	N/A
Approved Communications and Branding Strategy	Approved Communications and Branding Strategy	Communication and Branding Strategy developed	Not Achieved	Delays in the procurement process. Bid Specifications finalised but advertisement not yet done
Approved Stakeholder Engagement Strategy and Plan	Approved Stakeholder Engagement Strategy and Plan	Stakeholder Engagement Strategy and Plan developed	Achieved	N/A



# LEGAL, POLICY, RESEARCH AND INFORMATION TECHNOLOGY ANALYSIS COMMITTEE

**Strategic Goal: A compliant environment that fosters the protection of personal information and promotion of access to information**

**Strategic Objective: Make Guidelines for Codes of Conduct and produce Manual for POPIA**

Performance Indicator	Annual target: 2019/20	Quarter 4		Reason for Variance
		Target	Actual Achievement	
Approved Research Strategy and Plan	Approved Research Strategy and Plan	Research Plan approved	Not achieved	Research Strategy and Plan developed but not yet approved due to inadequate human resources capacity
Approved Guidelines for Codes of Conduct	Guidelines for Codes of Conduct published	Approved Guidelines for Codes of Conduct published	Not achieved	Draft Guidelines consulted with stakeholders and high volume of comments received and being assessed
Approved Guidelines for the registration of Information Officers	Approved and published Guidelines for the registration of the Information Officers	Guidelines for Information Officers published and approved	Not achieved	Draft Guidelines developed but not yet approved and published due to inadequate human resources capacity

# COMPLIANCE AND MONITORING COMMITTEE

**Strategic Goal: A compliant environment that fosters the protection of personal information and promotion of access to information**

**Strategic Objective: Develop process for handover of PAIA functions from the South African Human Rights Commission (SAHRC)**

Performance Indicator	Annual target: 2019/20	Quarter 4		Reason for Variance
		Target	Actual Achievement	
Signed Memorandum of Cooperation (MOC) implemented	Memorandum of Cooperation (MOC) signed and implemented	MOC implemented	Achieved	N/A

# COMPLAINTS AND INVESTIGATIONS COMMITTEE

**Strategic Goal: Protection of personal information through resolving of complaints**

**Strategic Objective: Handling of complaints related to the alleged violations of the protection of personal information**

Performance Indicator	Annual target: 2019/20	Quarter 4		Reason for Variance
		Target	Actual Achievement	
Approved POPIA Complaints Management Processes, Standard Operating Procedures (SOPs) and Manual	Complaints Management Processes, SOPs and Manual developed	Testing and piloting of the Complaints Management Processes, SOPs and Manual	Not achieved	Complaints Management Processes, SOP and Manual approved but not yet piloted due to inadequate human resources capacity

# CORPORATE SERVICES COMMITTEE

**Strategic Goal: Optimal functional independent Information Regulator**

**Strategic Objective: Fully established administration to enable delivery on the mandate**

Performance Indicator	Annual target: 2019/20	Quarter 4		Reason for Variance
		Target	Actual Output	
Approved Organisational Structure	Approved second phase of the Organisational Structure	Second phase of the Organisational Structure positions advertised	Achieved	N/A
Approved Corporate Services, Policies and Guidelines	Approved Recruitment Policy	Recruitment Policy approved	Achieved	N/A
Approved Delegation of Authority Framework	Approved Delegation of Authority Framework	Delegation of Authority Framework approved	Not achieved	Delegation of Authority Framework developed and not yet approved due to inadequate human resources capacity
Approved Employment Equity (EE) Policy and Plan	Approved EE Policy and Plan	Draft EE Policy tabled for discussion	Achieved	N/A
Identified list of finance policies to be developed	Identification of list of finance policies to be developed	List of identified finance policies approved	Achieved	N/A

# EXPENDITURE AGAINST BUDGET FOR THE FOURTH QUARTER OF 2019/20 FY

<b>Economic Classification</b>	<b>Actual Expenditure R'000</b>	<b>Original Budget R'000</b>	<b>Adjusted Budget R'000</b>	<b>Variance R'000</b>
Compensation of Employees	12 339	19 517	19 517	7 178
Goods and Services	8 995	6 578	8 994	(1)
Buildings	38	0	38	0
Machinery and Equipment	1 063	2 812	2 774	1 711
<b>TOTAL</b>	<b>22 435</b>	<b>28 907</b>	<b>31 323</b>	<b>8 888</b>

# EXPLANATION OF THE EXPENDITURE

- The original budget for the Regulator was R28 907 million. The budget was increased to R31 323 million by the DOJ&CD.
- Total budget expenditure incurred for the year was R22 435 million (72% of the budget).
- The under expenditure of R8 888 million was recorded. Out of this amount, R7 178 million was for Compensation of Employees and R1 711 million for Machinery and Equipment.
- There was overspending on Goods and Services of R1 000.00. However, this did not impact on the overall spending of the total budget.



# **FIRST QUARTER PERFORMANCE REPORT FOR THE 2020/21 FINANCIAL YEAR**

## **ACHIEVEMENTS AGAINST SET PERFORMANCE TARGETS**

# PROGRAMME STRUCTURE FOR 2020/21 FINANCIAL YEAR

No.	Name of the Programme	Purpose of the Programme
1	Protection of Personal Information Act	To ensure the promotion and protection of personal information processed by public and private bodies
2	Promotion of Access to Information Act	To ensure the effective implementation of the constitutional right of access to any information held by the state and by any other person and that is required for the exercise of any rights
3	Education and Communication	To ensure the provision of Education and Communication
4	Legal, Policy, Research and Information Technology Analysis	To ensure the rendering of Legal, Policy, Research and Information Technology Analysis services
5	Administration	To provide effective and efficient leadership and corporate support services in the day-to-day management of the Regulator



# PROGRAMME 1: PROTECTION OF PERSONAL INFORMATION ACT

<b>Output: Draft Guidelines for Codes of Conduct</b>				
<b>Performance Indicator</b>	<b>Annual Target: 2020/21</b>	<b>Quarter 1</b>		<b>Reason for Variance</b>
		<b>Target</b>	<b>Actual Achievement</b>	
Approved Guidelines for Codes of Conduct	Approved Guidelines for Codes of Conduct	Consideration of the comments received	Achieved	N/A
Approved Readiness Plan for the implementation of POPIA	Readiness Plan for the implementation of POPIA developed, approved and implemented	Drafting of the Readiness Plan for the implementation of POPIA	Achieved	N/A
Approved Guidelines for the registration of Information Officers	Guidelines for the registration of Information Officers approved	Develop the Guidelines for the registration of Information Officers	Achieved	N/A
Approved and updated PAIA Guide	Approval of the updated PAIA Guide to incorporate POPIA	Draft PAIA Guide to incorporate POPIA	Not achieved	PAIA Guide not yet updated as the PAIA functions are still performed by the South African Human Rights Commission until June 2021

# PROGRAMME 1: PROTECTION OF PERSONAL INFORMATION ACT

<b>Output: Handling of complaints related to the alleged violations of the protection of personal information</b>				
<b>Performance Indicator</b>	<b>Annual Target: 2020/21</b>	<b>Quarter 1</b>		<b>Reason for Variance</b>
		<b>Target</b>	<b>Actual Achievement</b>	
Approved POPIA Complaints Management Processes, Standard Operating Procedures (SOPs) and Manual implemented	Piloting of the Complaints Management Processes, SOP and Manual for POPIA	Pilot the Complaints Management Processes, SOPs and Manual for POPIA	Achieved	N/A
Automated Complaints Management System acquired	Acquisition of the Automated Complaints Management System	Drafting of the specifications for the Automated Complaint Management System	Achieved	N/A

# PROGRAMME 2: PROMOTION OF ACCESS TO INFORMATION ACT

**Output: Develop process for PAIA functions handover from the South African Human Rights Commission (SAHRC)**

Performance Indicator	Annual Target: 2020/21	Quarter 1		Reason for Variance
		Target	Actual Achievement	
Signed Memorandum of Cooperation (MOC) implemented	Memorandum of Cooperation (MOC) implemented	Memorandum of Cooperation (MOC) implemented	Achieved	N/A
Approved Readiness Plan for the implementation of PAIA	Readiness Plan for the implementation of PAIA developed, approved and implemented	Drafting of the Readiness Plan for the implementation of PAIA	Achieved	N/A

# PROGRAMME 3: EDUCATION AND COMMUNICATION

**Output: Develop and implement educational, awareness and stakeholder management programmes aimed at promoting the protection of personal information**

Indicator	Annual Target: 2020/21	Quarter 1		Reason for Variance
		Target	Actual Achievement	
Approved and implemented Public Awareness Strategy and Plan for POPIA	Conduct nine (9) Public Awareness sessions	Three (3) Public Awareness sessions held	Not achieved	Inability to hold physical sessions in various provinces as planned due to national lockdown.
Approved Communication and Branding Strategy and Plan	Approved Communication and Branding Strategy and Plan	Develop the Communications and Branding Strategy and Plan	Not achieved	Bid Specifications finalised but Bid not advertised due to moratorium placed by the National Treasury on Bid advertisements during the national lockdown
Number of Stakeholder Engagements held as part of the implementation of the Stakeholder Engagement Strategy and Plan	Eighty (80) Stakeholder Engagements held	Twenty (20) Stakeholder Engagements held	Not achieved	Only three (3) stakeholder engagements held due to the national lockdown

# PROGRAMME 4: LEGAL, POLICY, RESEARCH AND INFORMATION TECHNOLOGY ANALYSIS

**Output: Develop and approve research strategy and plan aimed at ensuring the protection of personal information**

Indicator	Annual Target: 2020/21	Quarter 1		Reason for Variance
		Target	Actual Achievement	
Approved and implemented Research Strategy and Plan	Develop and approve Research Strategy and Plan	Research Strategy and Plan developed	Achieved	N/A

# PROGRAMME 5: ADMINISTRATION

Output: Fully established Administration to enable delivery on the mandate				
Indicator	Annual Target: 2020/21	Quarter 1		Reason for Variance
		Target	Actual Achievement	
Approved Phase Two (2) of the Organisational Structure implemented	Approved and implemented Phase Two (2) of the Organisational Structure	Recruitment of staff for the vacant and funded Phase Two (2) Posts	Achieved	N/A
Approved prioritised Corporate Services Policies and Guidelines	Developed and approved prioritised Corporate Services Policies and Guidelines	Identification and development of prioritised Corporate Services Policies and Guidelines	Achieved	N/A
Approved Delegation of Authority (DOA) Framework	Developed and approved Delegation of Authority (DOA) Framework	DOA Framework developed	Achieved	N/A

# PROGRAMME 5: ADMINISTRATION

**Output: Fully established Administration to enable delivery on the mandate**

Indicator	Annual Target: 2020/21	Quarter 1		Reason for Variance
		Target	Actual Achievement	
Approved prioritised Finance Policies and Guidelines	Development of prioritised Finance Policies and Guidelines	Development of prioritised Finance Policies and Guidelines	Not achieved	The Regulator prioritised four (4) Finance policies however the development could not be finalised due to inadequate human resources capacity
Separation Plan (Finance and Human Resources) finalised and implemented	Finalisation and implementation of the Separation Plan (Finance and Human Resources) from the DOJ&CD	Development of the Separation Plan (Finance and Human Resources) from the DoJ & CD	Achieved	N/A

# EXPENDITURE vs BUDGET FOR THE FIRST QUARTER OF 2020/21 FINANCIAL YEAR

<b>Economic Classification</b>	<b>Annual Budget R'000</b>	<b>Quarterly Budget R'000</b>	<b>Actual Expenditure R'000</b>	<b>Variance R'000</b>
Compensation of employees	32 251	8 063	4 695	3 368
Goods and services	9 530	2 383	478	1 905
Machinery and equipment	3 716	929	0	929
<b>Total</b>	<b>45 497</b>	<b>11 375</b>	<b>5 173</b>	<b>6 202</b>



# EXPLANATION OF THE EXPENDITURE

- Under spending on Compensation of Employees of R3 368 million was due to delays in the filling of funded vacancies that were advertised during the last quarter of the previous financial year. The national lockdown negatively impacted on the process of filling these positions.
- Under spending on Goods and Services of R1 905 million was due to the national lockdown, therefore procurement could not take place.
- Under spending on Machinery and Equipment of R0 929 million was due to delays in the procurement of equipment as a result of the national lockdown.

# CONCLUSION

- Underfunding of the Regulator will not only affect its reputation, but will also result in it being unable to implement its mandate.
- The Regulator has a dual mandate and it is being established as a new institution without access to pre-existing resources. This has adversely affected the Regulator's ability to achieve its planned targets.
- The Regulator appreciates the financial constraints faced by the country, hence it's decision to share office accommodation with SAHRC as a way of minimising costs.

Thank you

