

POPIA:

Unpacking the role of an information officer



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Given the importance of data as a

valuable organisational asset

in leveraging key organisation strategies to enhance, grow and diversify organisations, the appointment of an information officer responsible for your organisation's POPIA compliance (required by the Protection of Personal Information Act 12 of 2013 (POPIA)) should be a strategic decision.

An information officer is automatically assigned in terms of POPIA (with reference to section 1 of the Promotion of Access to Information Act (PAIA)). However, the automatically assigned information officer (of a private body) may delegate the role of information officer to someone else within the organisation. POPIA also makes provision for the designation and appointment of deputy information officer.



Duties and responsibilities

Ongoing POPIA Compliance.



Developing a compliance framework.



Conducting impact assessments.



Update PAIA Manual.



Respond to POPIA requests.



Ongoing staff training and awareness.



Cooperating with the Information Regulator.



Reporting Data Breaches.



The expected date for the commencement of the registration process for information officers with the information regulator



Can you centralise the role of an information officer in a group of companies?

No, each subsidiary of a group of companies is required to appoint and register its own information officer according to the information regulator's Guidance Note issued on 1 April 2021.



Why the role of an information officer is important?



Establishment of an effective privacy office.



Data breach, cybercrimes and cybersecurity risk preparedness.



Non-compliance attracts civil and criminal liability.

Key considerations for determining the appointment



Seniority.



Knowledge of POPIA.



Legal qualifications.



Institutional Knowledge.



Trust relationship and accountability.



Conflicts of interest.



Can you delegate the role of information officer?

According to the Guidance Note, a private body may delegate the role of the information officer to someone within the organisation only. However, the Guidance Note confirms the fact that a public body may not delegate the role of the information officer.