

EVERYTHING YOU NEED to know about the POPI ACT

What is POPI?

POPI is South Africa's data privacy law and it stands for the Protection of Personal Information Act. It governs when and how organisations and individuals collect, use, store, delete and otherwise handle personal information. The new POPI Act will be enforced on 1 July 2021 onwards. The act states that you may collect personal information from other people, but you must be clear on why and what you want to use it for.

What is personal information under POPIA?

Generally speaking, personal information is any information that can be used to personally identify a person or organisation. This information includes, but is not limited to:

- Name and age
- Race
- Gender
- Pregnancy
- Marital status
- National/ethnic/social origin
- Mental or physical health
- Disability
- Religion/beliefs/culture
- Language
- Educational/medical/financial/criminal or employment history
- ID number
- Email address/contact numbers
- Location/physical address
- Photos/video footage/voice recordings/biometric information
- Personal opinions, views or preferences

Who does POPI apply to?

POPI applies to all local and foreign organisations processing (i.e. collecting, using or otherwise handling) personal information in South Africa. It also extends into independent Consultants and distributors, like you, handling and processing personal information.

What do the final POPIA regulations deal with?

- How someone can object to the processing of their personal information
- How someone can request the correction or deletion of information
- The responsibilities of an information officer
- How to apply for the regulator to issue a code of conduct
- How to request marketing consent
- How to submit a complaint to the regulator
- How the regulator will act as a conciliator in investigations
- What the regulator must do before it investigates you
- How the regulator will try to settle complaints
- How the regulator will conduct assessments
- How the regulator will notify people during investigations

What is POPI compliance?

We as Annique Home Office have established measures to ensure that we only collect, use, store, delete and otherwise handle personal information in permitted ways and that it is appropriately protected from unauthorised access or loss. For instance, we no longer have any access to your personal information, including banking details on our system. All of this information is encrypted, and you are the only person who can update this information electronically. Please note, you as an independent Annique Consultant also need to comply with the POPI Act with reference to your client database.

How does this impact your business?

As a Consultant in a direct selling business you may collect and make use of personal information including referrals and testimonials to market your business and build your network. Collecting and processing personal information in this way is now regulated by the POPI Act and it is therefore important to familiarise yourself with the requirements in order to comply.

What do you need to do?

- Familiarise yourself with the requirements of the POPI Act
- Obtain written consent when you collect and share personal information and ensure that you have been clear about the purpose of collecting the personal information as well as whether that information will be disclosed to other parties
- Store personal information securely
- Consider whether the personal information you collect is not excessive
- Verify the accuracy of personal information that you collect and share
- Personal information that is no longer required should be appropriately destroyed
- Provide access to personal information if you are requested to do so by the individual to whom the personal information belongs

TOP TIP



Send out a consent form to your clients that stipulates that you can use their testimonial indefinitely and across all your platforms. Have them sign this document and add the date. An example of such a form is available on the Annique Academy, under the Business Section.

When you sign the Independent Annique Consultant Agreement and/or when you provide us with personal information to complete a transaction, place an order, arrange for a delivery, and returning a purchase or delivering a service to you through any means, we imply that you consent to our collecting your personal information and using it for that specific reason only. Should we ever use your personal information for another reason we will inform you of the reason and will obtain consent from you. Refer to our privacy policy on the Webstore for further information.

What does POPI mean for Consultants?

Consultants will benefit from POPI's requirements in that your personal information must be protected and it can only be collected or handled where there is a lawful justification for doing so.

POPI gives Consultants specific rights in respect of Annique handling their personal information and it gives Consultants greater control over their personal information. Consultants are informed about what personal information is collected, by whom and why so that Consultants are able to make informed decisions. As a result of POPI we have also made some adjustments to how we do business.

- As of 1 July 2021 one of the important adjustments is updating and storing of your banking details or personal information. Only you are now allowed to change your banking details and personal information on the system via the Webstore.
- Your password for the Webstore must also contain at least 8 characters, have uppercase and lowercase letters and at least one special character like \$ or %. You will be asked to update your password when first logging in from 1 July. Changes to your password will only be possible with an OTP (One Time Pin) that will be sent to your cellphone number or email address on our system.
- Changes to your profile on the Webstore will only be possible with an OTP (One Time Pin) that will be sent to your cellphone number or e-mail address on our system. You will also be the only person that can change any other information like your marital status, your address or e-mail address on our system.
- Registration of new Consultants will change slightly towards the end of July. The sponsor will enter limited information and the new registrant will enter the rest of her personal information and load ID when logging in for the first time.
- You will be able to edit / delete your addresses on your profile and will be the only person who will be able to update this information.

Implications

Non-compliance will result in fines and penalties, the severity of which will vary depending on the offence.

Important: This is not all that the act encompasses, but for your convenience, we have highlighted the most important sections of the act above. Familiarise yourself with the entire POPI Act at www.popiact-compliance.co.za/popia-information.