SmartSuite

Framework / Privacy / Global Privacy Regulations

Protection of Personal Information Act (POPIA) — Act No. 4 of 2013

South Africa's Protection of Personal Information Act 4 of 2013 sets eight conditions for lawful processing, an Information Officer, breach notification and fines up to R10 million.



What it is

The Protection of Personal Information Act 4 of 2013 (POPIA) is South Africa's data protection law: it binds every public and private body, called a responsible party, that processes personal information in South Africa, sets eight conditions for lawful processing in Chapter 3, and is enforced by the Information Regulator, an independent body established by section 39. Parliament passed the Act and the President assented to it on November 19, 2013 (Government Gazette 37067 of November 26, 2013); its substantive provisions commenced on July 1, 2020, with a one-year transition under section 114(1) that ended on June 30, 2021.

At a glance

PUBLISHER
Parliament of the Republic of South Africa (Act 4 of 2013); enforced by the Information Regulator (South Africa)

TYPE
Framework

VERSION
Protection of Personal Information Act 4 of 2013 (Government Gazette 37067); Regulations of December 14, 2018 as amended April 17, 2025 (Government Notice 6126)

EFFECTIVE
July 1, 2020 (sections 2 to 38, 55 to 109, 111, 114(1) to (3)), with a transition to June 30, 2021; Information Regulator provisions April 11, 2014; sections 110 and 114(4) June 30, 2021; section 58(2) July 1, 2021

DOMAIN
Privacy

FAMILY
Global Privacy Regulations

REGION
South Africa

ADOPTION MODEL
Regulatory Compliance

IMPLEMENTATION COMPLEXITY
Medium

Source: gov.za/documents/protection-personal-information-act

Why it matters

- **Eight named conditions** Section 4 lists the conditions and the sections that carry them (8; 9 to 12; 13 and 14; 15; 16; 17 and 18; 19 to 22; 23 to 25), so a compliance program has a fixed map.
- **A registered accountable officer** Section 55 makes the Information Officer responsible for encouraging compliance, handling requests and working with the Regulator, and requires registration with the Regulator before the officer acts.

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How SmartSuite supports POPIA

Eight Conditions Requirement Library

Load sections 8 to 25 as requirements grouped by condition, each with owner, status, linked policy and the evidence that shows compliance.

Information Officer Register

Record the Information Officer and deputy information officers, their registration with the Regulator, the PAIA manual and the compliance framework the Regulations require of them.

Processing Records and Notices

Document each processing activity, its section 11 ground, purpose, retention rule, operator and the section 18 notice given to data subjects.

Data Subject Requests and Objections

Track section 23 to 25 access, correction and deletion requests and section 11 objections on the Regulations' forms, with deadlines, responses and complaints to the Regulator.

Security Compromise Workflow

Run the section 19 risk cycle and the section 22 workflow: discovery, notice to the Regulator, notices to data subjects by the prescribed channels and any investigation-related delay.

Transfers, Prior Authorization and Marketing

Log section 72 transfer grounds, section 57 prior authorization applications and section 69 direct marketing consents in Third Party Risk Management and Privacy Management.

Common framework mappings

APEC PF | LGPD | CCPA/CPRA | GDPR | ISO 27701 | NIST Privacy Framework v1.0 | UK GDPR | UK DPA 2018

Official resources

Protection of Personal Information Act 4 of 2013 (gov.za)

The Act as published in Government Gazette 37067 of 26 November 2013, with its commencement proclamations.

gov.za/documents/protection-personal-information-act

Amended POPIA Regulations (Information Regulator, 21 January 2025)

The Regulations Relating to the Protection of Personal Information, 2018, as amended: Information Officer duties, direct marketing consent and complaints.

inforegulator.org.za/wp-content/uploads/2025/04/POPIA-2021-Regulations-FINAL-21-Jan-2025.pdf

POPIA Compliance Guide

Outlines guidance for organizations to ensure compliance with POPIA.

inforegulator.org.za/guidance-notes

Information Regulator: Information Officers

The Regulator's page for Information Officer registration, duties and forms under sections 55 and 56.

inforegulator.org.za/information-officers

Frequently asked questions

Who must comply with POPIA?

Every responsible party, public or private, that processes personal information entered in a record in South Africa, and a responsible party outside South Africa that uses means in the country other than for forwarding (section 3). Personal information covers living natural persons and, where applicable, existing juristic persons. Section 6 excludes purely personal or household activity, de-identified information and certain state and judicial functions.

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What are the eight conditions for lawful processing?

Section 4 lists them with their sections: accountability (8), processing limitation (9 to 12), purpose specification (13 and 14), further processing limitation (15), information quality (16), openness (17 and 18), security safeguards (19 to 22) and data subject participation (23 to 25). Special personal information and children's information carry additional prohibitions in sections 26 to 35.

When must a security compromise be reported under POPIA?

Section 22 requires the responsible party to notify the Regulator and, unless their identity cannot be established, the affected data subjects as soon as reasonably possible after discovering that personal information has been accessed or acquired by an unauthorized person. Notification to data subjects may be delayed only where a public body responsible for investigating offenses or the Regulator determines that it would impede a criminal investigation, and it must be in writing by one of the channels in section 22(4).

What does the Information Officer have to do?

Under section 55 the Information Officer encourages compliance with the conditions, deals with requests made under the Act, works with the Regulator on investigations and otherwise ensures compliance, and may take up those duties only after the responsible party has registered the officer with the Regulator. Regulation 4 adds duties including a compliance framework, personal information impact assessments, a PAIA manual and internal awareness sessions; deputies are designated under section 56.

What are the penalties under POPIA?

Section 109 lets the Regulator issue an infringement notice with an administrative fine of up to R10 million, payable within 30 days, in installments by arrangement, or contested in court. Section 107 provides, on conviction, for a fine or imprisonment of up to ten years for the serious offenses (including obstruction of the Regulator and offenses involving account numbers) and up to twelve months for the others. The Regulator imposed its first R5 million fine on July 4, 2023.

License included / downloadable: Yes The Act is South African legislation published free by the South African Government (gov.za, Government Gazette 37067) and by the Information Regulator, which also publishes the Regulations, guidance notes and forms free of charge.

Full framework page and mappings: smartsuite.com/frameworks/south-africa-popia-protection-of-personal-information-act