

PAIA & POPIA

Compliance Health Check

Checklist for South African Businesses

Is Your Business Compliant with **PAIA** and **POPIA**?

The Promotion of Access to Information Act, 2000 (“PAIA”) and the Protection of Personal Information Act, 2013 (“POPIA”) impose important legal obligations on all businesses that process personal information. One of the most common compliance failures identified by the Information Regulator is the failure to appoint and register an Information Officer and to implement a compliant PAIA Manual.

Complete the checklist below to determine whether your business is compliant.

Compliance Checklist

1. Information Officer

Have you identified who your Information Officer is?

Yes No

Is your Information Officer aware of their responsibilities under PAIA and POPIA?

Yes No

Has the Information Officer been registered with the Information Regulator?

Yes No Unsure

Have Deputy Information Officers been appointed where necessary?

Yes No Not Applicable

2. PAIA Manual

Does your business have a PAIA Manual?

Yes No

Has the PAIA Manual been updated to incorporate POPIA requirements?

Yes No Unsure

Does the manual contain:

Information Officer details

Description of records held by the business

Procedures for requesting access to information

Categories of personal information processed

Data subject rights under POPIA

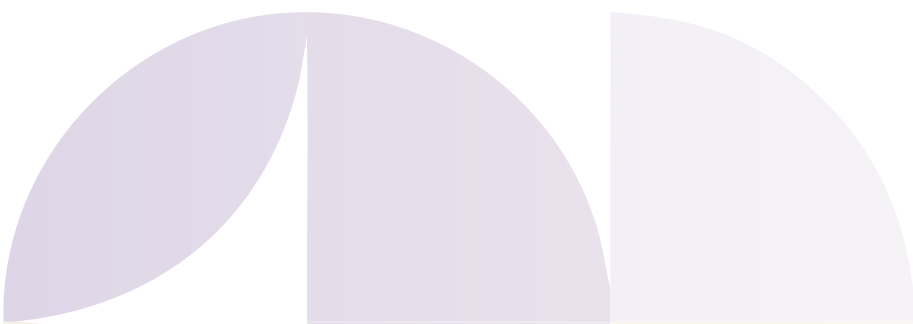
Procedures for correcting or deleting personal information

Is the manual readily available to employees and the public?

Yes No

Has the manual been reviewed within the past 12 months?

Yes No



3. POPIA Compliance

Has your business identified all personal information that it processes?

Yes

No

Have you implemented a POPIA compliance framework or policy?

Yes

No

Do employees receive POPIA training?

Yes

No

Are data breaches reported and managed through a formal process?

Yes

No

Have agreements with suppliers, service providers and operators been reviewed for POPIA compliance?

Yes

No

Do you have procedures for:

Responding to access requests

Correcting personal information

Deleting personal information

Handling complaints

Reporting security compromises

4. Understanding Your Legal Obligations

Do you understand the role of an Information Officer?

Yes No

The Information Officer is responsible for ensuring that the organisation complies with PAIA and POPIA, manages information requests, promotes data protection compliance, and serves as a liaison with the Information Regulator.

Do you understand why a PAIA Manual is required?

Yes No

A PAIA Manual explains how members of the public can request access to records held by the organisation and how personal information is processed, protected and managed.

Does your management team understand their accountability under POPIA?

Yes No



Why Compliance Matters

Failure to comply with PAIA and POPIA can expose a business to:

- ✗ Investigations by the Information Regulator.
- ✗ Enforcement notices and compliance orders.
- ✗ Reputational harm and loss of client trust.
- ✗ Civil claims for damages.
- ✗ Disruption of business operations.
- ✗ Difficulties in tendering for contracts and working with larger corporates requiring privacy compliance.
- ✗ Increased cybersecurity and information management risks.

Potential Consequences of Non-Compliance under POPIA

Non-compliance may result in:

- Enforcement notices.
- Administrative action by the Information Regulator.
- Criminal sanctions for certain offences.
- Fines of up to R10 million.
- Imprisonment for certain offences.
- Civil claims by affected data subjects.

Potential Consequences of Non-Compliance under PAIA

Non-compliance may result in:

- Complaints to the Information Regulator.
- Investigations.
- Orders compelling disclosure of records.
- Court proceedings.
- Additional legal and reputational exposure where request procedures are not properly implemented.

Red Flags – Immediate Attention Required

If you answered “No” or “Unsure” to any of the following, your business should urgently review its compliance position:

- No registered Information Officer
- No PAIA Manual
- PAIA Manual older than 12 months
- No POPIA policies or procedures
- No employee awareness or training
- No data breach response plan
- No operator agreements with third parties processing personal information

Need Assistance?

Our team can assist with:

- Information Officer registration.
- Appointment of Deputy Information Officers.
- Drafting and updating PAIA Manuals.
- POPIA compliance assessments.
- POPIA policies and procedures.
- Employee awareness training.
- Data processing and operator agreements.
- Information Regulator compliance support.

A compliant PAIA Manual and properly appointed Information Officer are not merely administrative requirements. They are ***fundamental components of good corporate governance, risk management and legal compliance*** in South Africa.

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