



## **SPECIAL INFORMATION CIRCULAR RE: POPIA COMPLIANCE, 30 JUNE 2021**

### **Preamble**

The purpose of this special circular is to:

- Inform our members of the D-date for the implementation of the Popi Act which is 1st July 2021 (with possible one year grace period)
- To publish the fact that the ASCHP complies with the POPIA in terms of protection of information and appointment of information officer.
- To obtain the consent of our members to make use of their information for the purpose it was required by the professional body.

If you are already POPIA compliant, then please ignore this circular. It has come to our attention though that some members are uncertain about how the POPIA will affect them as counsellors and that is what we wish to briefly outline in this circular for your benefit.

### **The ABC of the Popi Act**

POPIA is the acronym for the Protection of Personal Information Act that regulates the processing of personal information. Compliance is a very important matter for all business and practices as non-compliance could incur serious penalties such as heavy fines and imprisonment for up to 10 years.

This Act was already signed into law in November 2013 but the commencement date for all organisations that process personal information to comply with the Act is 1 July 2021 which is around the corner.

The rationale behind the Act is the promotion of transparency with regard to what information is collected and how it is to be processed.

### **Cases where POPIA does not apply**

- Purely household or personal activity.
- Sufficiently de-identified information.
- Some state functions including criminal prosecutions, national security etc.
- Journalism under a code of ethics.
- Judiciary functions etc.

## **The general meaning of POPIA compliance**

“POPIA compliance involves capturing the minimum required data, ensuring accuracy, and removing data that is no longer required. These measures should improve the overall efficiency and reliability of the organisation’s databases. Less data also means less storage / archiving cost and a reduced magnitude in the event of a breach (the safest data is that which you don’t unnecessarily store in the first place). Compliance demands identifying personal information and taking reasonable measures to protect the data. This will minimise the risk of data breaches and the associated public relations and legal ramifications for the organisation.” (<https://popi-compliance.co.za/>)

## **The meaning of POPIA compliance for counsellors**

The implementation in practice of POPIA compliance is a fairly involved and comprehensive undertaking for large companies, but fortunately for a sole proprietor it is much less complicated. In short, as counsellor running a counselling practice, you will be obliged to fulfil the following requirements.

- a) Appoint an information officer, which could be yourself.
  - b) Compile a Popi Act compliance policy to stipulate the following:
    - Develop and implement a compliance framework/policy
    - Set out what type of business you run and the record types you keep as per Popi Act
    - Appoint an information officer (IO) for your business, if it is a sole proprietor it will be you yourself. Register as IO on the government link , <https://justice.gov.za/inforeg/portal.html>
    - State your awareness of the content of the Act including consent, purpose, source, sharing, destruction and how you will apply it.
    - Specify for what purpose you’ll need what kind of information of your clients, how you will process it, store it and protect it. Indicate how it will be monitored and maintained over time.
    - If you have staff members, explain how you will train them in compliance.
    - Specify how to process requests for information or access to information.
    - Evaluate whether your policy is reasonable, appropriate and enforceable
- See <https://changecollective.co.za/> & <https://www.isasa.org/> & InfoRegSA-GuidanceNote-IO-DIO-20210401.pdf



**Consent and disclosure: (This page should be signed and emailed back)**

According to the Popi Act 4 of 2013 (POPIA) ASCHP will ensure that its systems and operations comply with its obligations including all systems onto which data is copied, compiled, collated, processed, transmitted, stored, collected, mined, altered or deleted or otherwise used, and will at all times be of a minimum standard required by Law and be of a standard no less than the standards that are in compliance with the international best practice for the protection, control and use of data.

ASCHP will take all reasonable precautions necessary to ensure that the third party will treat members' information with the same level of protection as required by ASCHP. Information may be hosted on servers managed by a third-part service provider, which may be located outside of South Africa.

**Consent form**

**I hereby authorise and consent to ASCHP collecting and processing Personal Information in accordance and for purposes of the registration service(s) in the contractual agreement with ASCHP.**

<b>Name &amp; Surname:</b>	
<b>Membership number:</b>	
<b>Designation:</b>	
<b>Contact details:</b>	<b>Tel:</b>
	<b>Email:</b>
<b>Signature:</b>	
<b>Date:</b>	

Please scan and mail this back to [kobus@aschp.net](mailto:kobus@aschp.net) immediately.

## Conclusion

We wish to inform our members once again that ASCHP policies provide for the discrete processing, protection and security of your personal information. This means that your personal information will never be exploited for marketing or any other purposes save that for which you have provided it in good faith to our offices. The ASCHP has the right to access their information and request for correction and/or deletion thereof, subject to any legally binding requirements from a law enforcement authority for the disclosure of, or other to keep and store records. Please direct any access to information and/or amendments in writing to the Information Protection Officer:

The ASCHP has arranged for Dr. Joyce Schoeman to record a Popi Act compliance CPD lecture on the VideoLearn platform that can be requested by emailing [cpd.liedani@synergetica.co.za](mailto:cpd.liedani@synergetica.co.za) for the link or you can visit Videolearn at [Instructor Courses - Synergetica \(Liedani CC\) - VideoLearn SA](#). This could be helpful to guide you

<b>Name &amp; surname:</b>	<i>Kobus Kok</i>
<b>Contact number:</b>	<i>012 111 9002</i>
<b>Email address:</b>	<i>kobus@aschp.net</i>

Keep in mind that the ASCHP offices also get requests from the public to refer us to counsellors in their residential areas. We also wish to remind you should you prefer not to have your practice advertised or included in the list of available counsellors on the ASCHP website, you should inform the Information Protection Officer accordingly.

We trust that this could be helpful.

Kind regards

Liezl Herholdt

CEO