

# UNPACKING POPIA

## Responsible Party vs Operator

### The 8 Conditions for Lawful Processing

## Responsible Party vs Operator

### You are the **Responsible Party (RP)** when...



#### **You are the person/ company responsible for**

Collecting Personal Information (PI).  
Deciding what to do with it.



#### **You are responsible for**

Collection. Use. Care.  
Upholding the 8 conditions for lawful  
processing of PI.

### You are the **Operator** when...



#### **You have been contracted by the Responsible Party**

To execute a specific task on behalf of the RP.  
Under a written contract that specifies the bounds of what  
the RP is contracting you to do & ensures all appropriate  
security measures around PI.



#### **You are allowed to**

use the PI solely for the purposes  
of that engagement.



#### **You are responsible for**

ensuring you take care of the data with  
appropriate security measures.



#### **You are NOT bound by**

some other  
conditions of POPIA.

# The **8 conditions** of processing

As the **Responsible Party** the buck stops with you.

You are responsible for upholding these 8 conditions...



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## Accountability

You must ensure that the other 7 conditions are upheld by yourself throughout your entire journey with the data.

### Ask yourself:



Is/ are your Operator/s in a position to handle the data with that same due care?

## Processing Limitation

You must process the PI in a manner that is adequate, relevant and not excessive for the purposes it is being processed.

### Ask yourself:

Do I have one of the 6 'legal grounds' for processing this PI?



### Safety Checks:

Collect the minimal amount needed for that purpose.



Make sure any processing you do is in line with the reason you collected it.



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## Purpose Specification

You must have a specific and lawful purpose that is related to your function/activities.

### Ask yourself:



Is the Data subject aware of my purpose? Check for differences that may apply in the case of public-sourced data, where your Data Subject may not be aware of your purpose.

### Safety Checks:

Do not retain PI for longer than your purpose requires.



Delete the records after your purpose has been completed. (\*read up on exceptions)



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## Further Processing Limitation

Anything else done with the data must be compatible with the original purposes of collection.

### Ask yourself:

Are my intended actions in line with why I originally collected the PI?



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### Openness

Be open and transparent about your processes.

#### Safety Checks:

Keep documentation of all your processing operations.

Make these operations available to people through an accessible PAIA manual. ✓

Make data subjects aware of your processes and purposes (ie the what, who, where, how and why you are collecting their PI.)

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### Information Quality

Make sure the PI you collect is correct.

#### Ask yourself:

? Is the PI accurate, complete, not misleading and up-to-date, based on the purpose of collection?

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### Security Safeguards

You need to safeguard the integrity and confidentiality of the PI.

#### Ask yourself:

? Is this data safe and confidential across the entire processing journey? Can anyone who isn't allowed to, see or use this data?

#### Safety Checks:

Proactively identify all the risks, internally and externally.

✓ Put measures in place to protect PI. Ensure all your contracts with Operators uphold these safety measures.

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### Data Subject Participation

People have the right to know if you hold their PI and how it is being used or shared.

#### People also have the right to:

Request changes to the PI, if it is incorrect. ✓

Request that the RP delete their PI (\*read up on the conditions in 24 (1) (a)).

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