

**PROTECTION OF PERSONAL INFORMATION ACT (POPI ACT) –
DEVELOPMENT OF IMPLEMENTATION AND COMPLIANCE OFFERING PROJECT**

Document:	PRACTICAL COMMUNICATION TIPS AND CONSIDERATIONS GUIDELINE REFERENCE DOCUMENT	Version:	13.10.20
Purpose:	Providing the client with practical communication tips with their clients and Third-Parties and “Operators” enquiring about their POPI Act compliance status, processes, and general queries		
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1. GENERAL CONSIDERATIONS BEFORE COMMUNICATING OR WHEN PLANNING TO COMMUNICATE:

- What is the purpose of communication? – What do you hope to achieve by communicating this?
- What are the benefits to your business and the audience apart from a legal requirement?
- Identify your audience (ensuring that you customise the content to appeal to the audience)
- Plan and design the message (the content, the mood – humour, seriousness, language, etc.)
- Decide how the message needs to be best communicated? (Email, sms, website, social media, etc)
- Consider if/how you would like to monitor, measure and maintain the impact of the communication

2. IMPORTANT CONSIDERATIONS WHEN COMMUNICATING REGARDING THE POPI ACT (the Act):

- Be VERY careful to say you are fully compliant with the Act until you are sure you are;
- Openness and transparency is very important;
- Never be negative regarding the requirements of the Act since it may create a subconscious impression that you do not take the Act seriously;
- Be as concise as possible. When it comes to compliance-related communication, detailed elaborating, unless requested by the audience, can create more confusion.
- Be patient with clients when it comes to the Act and what they may have heard in the news or social media;
- Be very sensitive to the fact that not many clients may understand the Act and especially what is allowed by the Act;
- Be sensitive but direct with Third Parties regarding their compliance when they have to process your client information;
- If unsure about a query, rather defer the question and respond later in writing if uncertain how to answer higher risk or legal-related matters;
- Confirm verbal communication on higher risk or legal-related matters in writing afterward;
- Quote official sources and not opinions by service providers or lawyers found online;
- Use formal communication mechanisms such as e-mails and not WhatsApp or sms when communicating regarding the Act;
- Rather quote the Act directly that to apply your interpretation of a clause;
- Ask for legal or specialist assistance if you are unsure how to interpret or simplify communication regarding specific clauses of the Act;
- Ask for legal or specialist assistance if you need to address any higher risk or legal-related matter in writing.

3. EXAMPLES OF TYPICAL CONCEPT MESSAGES

ASPECT	AUDIENCE	TYPICAL CONCEPT MESSAGE
What the Act is about?	Clients	<i>The POPI Act is about the protection of your personal information and indicates how it may be collected used and shared.</i>
Are you fully compliant with the Act?	Clients & Third Parties & Operators	<i>I/we take the Act very seriously and have implemented its principles in my/our business. Although we need to be fully compliant with the Act by 1 July 2021, (as stipulated by Government in June this year) I/we have been prioritising full compliance with the act and will continue to do so until and beyond July 2021.</i>
What the Act does allow you to do with my Personal Information?	Clients	<i>Only to collect it and only as much as required, directly from you or your authorised representative for the reason of assisting you. And then to responsibly share it only with companies that can provide the products and solutions to you, to keep it safe and destroy it when no longer legally required to keep it.</i>
What the Act does allow you to do with my Personal Information?	Employees	<i>Only to collect it and only as much as required, directly from you to fulfil your employment contract. And then to responsibly share it only with companies that assist the business to run the business, such as outsourced payroll companies, to keep it safe and destroy it when no longer legally required to keep it.</i>
Due diligence required to ensure compliance to the Act	Third Parties & Operators	<i>Although we have an agreement in place in this regard, as you may be aware, I/we am/are still responsible when sharing Personal Information with you and for breaches that occur. To protect my license, a due diligence is required to ensure that you are indeed POPI compliant. If you have been independently audited or certified as compliant, kindly provide the results. If not, we have to agree on how this due diligence can be done.</i>