

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...



1

Accountability

You must ensure that the other seven 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 Personal Information 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 Six Legal Grounds for processing this Personal Information?



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.



2

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 Personal Information for longer than your purpose requires.
Delete the records after your purpose has been completed. (*read up on exceptions)



3

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 Personal Information?



4



5

Information Quality

Make sure the Personal Information you collect is correct.

Ask yourself:



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

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 Personal Information.)



6

Security Safeguards

You need to safeguard the integrity and confidentiality of the Personal Information.

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?

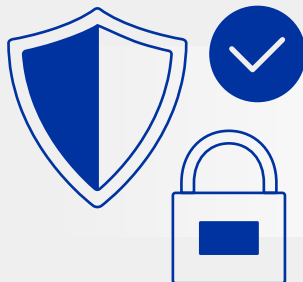
Safety Checks:

Proactively identify all the risks, internally and externally.



Put measures in place to protect Personal Information.

Ensure all your contracts with Operators uphold these safety measures.



7

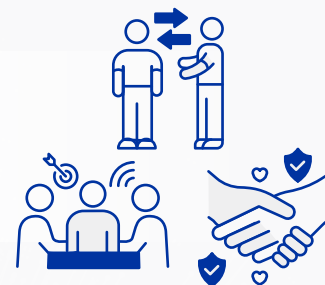
Data Subject Participation

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

People also have the right to:

Request changes to the Personal Information, if it is incorrect.

Request that the Responsible Party delete their Personal Information (*read up on the conditions in 24 (1) (a)).



8

Please note that this document is a high level summary and does not cover all the important facets of POPIA nor does it constitute legal advice from Lightstone.

Please refer to our website <https://lightstone.co.za/Popia> for further information.