



ENTRUST

Complying with South Africa's Protection of Personal Information Act

Entrust, a leading provider of secure communications solutions, is helping South Africa's businesses and organizations comply with the Protection of Personal Information Act (POPIA).

- Secure personal data using a certified,

SUMMARY

In November, 2013, the Parliament of the Republic of South Africa enacted the Protection of Personal Information Act, 2013 (POPIA):

To promote the protection of personal information processed by public and private bodies; to introduce certain conditions so as to establish minimum requirements for the processing of personal information; to provide for the establishment of an Information



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and such imprisonment; or ...to a fine or to imprisonment for a period not exceeding 12 months, or to both a fine and such imprisonment.”

As detailed in **Section 109** of the Act, the maximum fine “may not exceed R10 million.”

Protection of personal information

The following material is excerpted directly from the Republic of South Africa's POPI Act.

Security measures on integrity and confidentiality of personal information

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Civil remedies

99. (1) A data subject or, at the request of the data subject, the Regulator, may institute a civil action for damages in a court having jurisdiction against a responsible party for breach of any provision of this Act as referred to in section 73, whether or not there is intent or negligence on the part of the responsible party.

...

(3) A court hearing proceedings in terms of subsection (1) may award an amount that is just and equitable, including—

- (a) payment of damages as compensation for patrimonial and non-patrimonial loss suffered by a data subject as a result of breach of the provisions of this Act;
- (b) aggravated damages, in a sum determined in the discretion of the Court;
- (c) interest; and
- (d) costs of suit on such scale as may be determined by the Court.

The two widely accepted best practice approaches to pseudonymisation are encryption and tokenization. Both employ cryptographic keys to convert plain text to unreadable ciphertext and back again. If

How Entrust can help you comply with POPIA and avoid the data breach notification requirement

POPIA is unclear about what is considered to be access and acquisition of subject data. Other regulations around the world that deal with protection of personal information state that if the data has been pseudonymised or made unreadable to whomever illegally retrieved it, then the data breach does not need to be reported; the stolen sensitive data has been rendered useless to the thieves and harmless to the data subject.



ABOUT ENTRUST CORPORATION

Entrust keeps the world moving safely by enabling trusted identities, payments and data protection. Today more than ever, people demand seamless, secure experiences, whether they're crossing borders, making a purchase, accessing e-government services or logging into corporate networks. Entrust offers an unmatched breadth of digital security and credential issuance solutions at the very heart of all these interactions. With more than 2,500 colleagues, a network of global partners, and customers in over 150 countries, it's no wonder the world's most entrusted organizations trust us.