

DATA PRIVACY ROUNDUP FOR 2022 SO FAR

1. OVERVIEW

We read a lot about data privacy at home and abroad. This is just a roundup of the interesting articles, events and guidance released by data protection regulators worldwide, which we have found interesting, informative and valuable over the first half of 2022.



Photo: Fernando Arcos/Pexels

2. WHAT HAS BEEN HAPPENING AT HOME...

2.1. CODES! CODES! CODES!

- As of June 2022, the Credit Bureau Association has submitted the fourth version of their POPIA Code of Conduct to the Information Regulator. This POPIA Code of Conduct deals with how personal information will be processed in the credit sector. The Information Regulator published the Credit Bureau Association [POPIA Code of Conduct for public comment](#) on 24 June 2022.
- As of June 2022, the Banking Association of South Africa ('BASA')

has submitted the third version of their POPIA Code of Conduct to the Information Regulator. This POPIA Code of Conduct deals with how personal information will be processed in the banking sector. The Information Regulator published the [BASA POPIA Code of Conduct for public comment](#) on 24 June 2022.

2.2. SOME REMARKS ON DATA BROKERING AND DIRECT MARKETING...

The Information Regulator hosted a media briefing in June 2022. You can

read the Information Regulator's statement to the media [here](#). The main topic addressed in this media briefing was direct marketing. The Information Regulator highlighted these main points:

- Since July 2021, over 700 complaints have been received and pre-investigated by the Information Regulator. Most of these complaints have been related to direct marketing.
- The Information Regulator intends to release a Guidance Note on direct marketing soon. Amongst addressing other issues, this Guidance Note will provide clarity on whether a telephone call constitutes 'electronic communication' for the purposes of section 69 of POPIA.



- The Information Regulator also warned 'responsible parties that continue to trade in personal information', especially within the credit sector, that 'this is in violation of POPIA, and we will not tolerate it'.

2.3. INFORMATION REGULATOR'S STRATEGY PLAN FOR 2022/23 – 2026/27 AND ANNUAL PERFORMANCE PLAN FOR 2022/23

- You can read the Information Regulator's Strategy Plan for 2022/23 – 2026/27 [here](#).
- You can read the Information Regulator's Annual Performance Plan for 2022/23 [here](#).

2.4. POPIA IN THE NEWS ...

- The [Daily Maverick](#) hosted a [webinar](#) on whether South Africa needs a Data Transfer Agreement for the transfer of health data. The webinar was based on [this article](#) published in the South African Journal of Bioethics and Law.

4. WHAT NEXT?



Our newsletters will keep providing you with data privacy updates from home and abroad. If you are interested in reading extra insights on the POPIA Portal about the topics raised in this article, you can read about:

- POPIA Codes of Conduct – Read [section 19.5](#) of [Chapter 19](#);
- On whether telephone calls constitute 'electronic communication' for the purposes of section 69 of POPIA – Read [section 16.3](#) of [Chapter 16](#) for our interpretation of this issue; and
- On selling or trading personal information – Read [section 13.6.1](#) of [Chapter 13](#).

3. WHAT HAS BEEN HAPPENING ABROAD...



3.1. SOMETHING FOR THE HEALTH SCIENCES AND SCIENTIFIC RESEARCH SECTORS

- The ICO (UK Data Protection) released their [Draft guidance on the research provisions within the UK GDPR and the DPA 2018](#) in April 2022. This guidance may offer South African responsible parties some valuable insights when interpreting the 'for research purposes' provisions in POPIA.

