

PoPIA: Focus on consent and legitimate interest

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Companies and business entities have been given a one-year period in which to comply with the legislated requirements of the Protection of Personal Information Act (PoPIA), as set out by President Cyril Ramaphosa in July this year.

PoPIA regulates the processing, management, storage, and protection of personal information to protect the right to privacy of the individual, protecting against identity fraud. The act is complex and will bring South Africa into a new era in the regulation of how private and public sector organisations handle the data and personal information of customers and clients – both past and present.

PoPIA and data privacy expert and author, Ahmore Burger-Smidt will focus on a key aspect of the act – **Consent and Legitimate Interest** – in a free webinar hosted by leading legal technology provider, LexisNexis South Africa. The webinar on 16 September at 10am is the third instalment in the PoPIA series, with the first two sessions introducing the act, how it will affect businesses and the way organisations handle personal data.

Burger-Smidt is the head of the Data Privacy Practice Group at Werkmans Attorneys and co-author of *A Commentary on the Protection of Personal Information Act* published by LexisNexis. As an expert, she is regularly consulted by businesses and the media on the intricacies of PoPIA and in this session will dissect what the terms **Consent and Legitimate Interest** mean and how they apply to the act.



Frequently referred to in the act, the term 'legitimate interests' mainly relates to potential defences available to those companies or persons who are not in compliance with certain of the requirements set out in the act, for example consent to process personal information.

The complex nature of the various sections of the act mean that the term 'legitimate interests' could be considered open to interpretation, with the regulator having the final word in determining its scope. As such, having a comprehensive understanding of this aspect of the act should be considered a priority for organisations, their legal representatives, compliance officers and those staff responsible for capturing and processing data and personal information to ensure they remain compliant with the law.

Feeling unsure about the terms of the act and whether or not your organisation will be deemed compliant? Click [here to register](#) for the free PoPIA webinar by Ahmore Burger-Smidt, brought to you by LexisNexis on 16 September 2020 at 10am.

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