



**INFORMATION
REGULATOR
(SOUTH AFRICA)**

*Ensuring protection of your personal information
and effective access to information*

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MEDIA STATEMENT - 12 FEBRUARY 2018

ALLEGED UNLAWFUL PROCESSING OF PERSONAL INFORMATION OF KING GOODWILL ZWELITHINI BY MI WAY INSURANCE COMPANY

The Information Regulator (Regulator) has noted with concern the recent media reports of alleged unlawful processing of personal information of King Goodwill Zwelithini by MiWay.

The Protection of Personal Information Act No. 4 of 2013 (POPIA) makes provision for the protection of personal information of data subject (individuals) and prescribes the manner in which personal information should be processed by responsible parties (private and public bodies).

POPIA prescribes conditions for the lawful processing of personal information. These conditions include the following:

- that the data subject must consent to the processing of his or her personal information; or
- that personal information is processed for the purpose of performing or concluding a contract to which a data subject is a party; or
- personal information must be collected directly from data subject; and
- the responsible party must secure the integrity and confidentiality of personal information in its possession or under its control by taking appropriate measures to prevent unlawful access to personal information.

If King Zwelithini has not given his consent to MiWay to process his personal information or if his personal information was not processed by MiWay for the purpose of performing or concluding a contract to which the King is a party, then his personal information was unlawfully processed by MiWay.

The alleged conduct of MiWay could constitute the processing of personal information of the King for the purposes of directing marketing. POPIA makes provision for the King to object to MiWay for processing of his personal information for the purpose of direct marketing. Should the King object, MiWay should stop to process his personal information.

If all the sections of POPIA were operative then the King could have lodged a complaint with the Regulator. Despite certain sections of POPIA not yet operative, the Regulator intends to proactively engage MiWay with regards to the processes and measures they have put in place to comply with the conditions for lawful processing of personal information as prescribed in POPIA.

Issued by the Office of the Information Regulator

Enquiries

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