



**INFORMATION  
REGULATOR  
(SOUTH AFRICA)**

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

Address: 316 Thabo Sehume Street  
Tel: 012 406 4818  
Fax: 0865003351  
E-mail: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

## **BRIEFING ON THE WORK OF THE INFORMATION REGULATOR**

Adv. Pansy Tlakula, Chairperson Information Regulator

Strand Towers Hotel, Cape Town

13 February 2017

"Ensuring protection of your personal information and promotion of access to information". We have chosen this as our tag line because this is exactly what we have been set up to do. Our intention is to ensure that the mention of the word "information" is associated with the "Information Regulator".

Since we took office on 1 December 2016, we have been hard at work conceptualizing and thinking through the type of organization we want to establish. We think it is important for us to build a solid foundation for this organization. We are in Cape Town for a number of official meetings and we thought it would be appropriate to take advantage of our presence here to brief some of our stakeholders on the work we have done since we took office.

1. We now have a logo, which was unveiled at the beginning of these proceedings- as our logo says, we are here to ensure that your personal information is protected and that the free flow of information is promoted. There is already a perception out there that we are the "POPI Regulator" as we are referred to by some. We are not. We rely on you to change this narrative. Our mission is to ensure that both the constitutionally guaranteed right of access to information and the right to privacy are equally protected and enjoyed. Failure to do so might result in one part of our mandate being given more prominence than the other.

2. As you are now aware, the Regulator consists of five members. It is worth noting that 3 members are women. It is also worth noting that the Chairperson (my humble self) is a woman. This is something that we should never take for granted. In terms of section 43 (2)(a)(i) and (ii) of POPIA Adv. Lebogang Stroom- Nzama is the full time member responsible for PAIA and Adv. Collen Weapond is the full time member responsible for POPIA. The part time members, Mr. Sizwe Snail ka Mtuze and Prof. Tana Pistorius, who unfortunately could not be with us today due to prior commitments, are responsible for both POPIA and PAIA.
  
3. We are currently operating from the offices of the Department of Justice and Correctional Offices at SALU building, Thabo Sehume Street in Pretoria. We will only have a permanent home after we have presented our accommodation needs to the Department of Public Works. Those who know the processes of acquiring office space inform us that this process might take many months.
  
4. We have taken a strategic decision to use the expertise that we have to do the ground work required to establish the Regulator and to use consultants where this is absolutely necessary. This will give us the opportunity to learn every aspect of POPIA, which by all accounts, is a complex piece of legislation. The first thing that we did after we took office was to establish the governance structure of the Regulator. Section 49 of POPIA mandates the Regulator to establish one or more Committees for the proper performance of its functions. These Committees may consist of members of the Regulator or other members which the Regulator may appoint. In this regard we have established a number of committees. We took into consideration the experience and expertise of members to designate the chairpersons of each committee. We have established the following committees:
  - a) Policy and Governance Committee, chaired by the Chairperson of the Regulator, Pansy Tlakula;

- b) Enforcement Committee and we have designated Mr Snail ka Mtuze as the member representing the Regulator in the Enforcement Committee as envisaged in section 50 (1) (a) of POPIA. In terms of section 50 (2) this Committee must be chaired by a Judge of the High Court, a Magistrate, an Advocate or Attorney;
- c) Legal and Compliance Committee chaired by Adv. Lebogang Stroom-Nzama;
- d) Complaints and Dispute Resolution Committee chaired by Prof. Tana Pistorius;
- e) Finance Risk and ITC Governance chaired by Adv. Collen Weapond;
- f) Outreach and Research Committee chaired by Mr. Snail ka Mtuze, and
- g) Human Resources Committee chaired by Adv. Collen Weapond.

Members of the Regulator belong to one or more of these Committees. In due course we may appoint external members to these Committees and we will do so in consultation with the Minister of Finance as envisaged in section 47(7) of POPIA.

5. Section 47 of POPIA empowers the Regulator to establish its own administration to assist it in the performance of its duties. It must also appoint the Chief Executive Officer as the head of administration and the accounting officer. This section has been adopted to ensure the independence of the Regulator as provided for in section 39 of POPIA. The staff of the Regulator is appointed by the members in consultation with the Minister of Finance. In December 2016 we wrote to the Minister to consult him on the appointment of the CEO and we are in discussion with National Treasury on this matter. We have also adopted the draft organizational structure and we have submitted it to the Organizational Design division of the Department of Justice for expert advice.
6. As you are aware, only sections 39-54, 112 and 113 of POPIA have come into operation. The rest of the sections will only come into operation once the Regulator is fully operational. When we took office in December 2016, we held a briefing meeting with the officials of the Department of Justice who were responsible for drafting POPIA.

The informed us that in their experience, the Regulator will only be up and running in two years time. We are committed to shortening the operationalizing of the Regulator.

7. Section 112(1) (a) and (b) of POPIA empowers the Minister of Justice to make regulations relating to the establishment of the Regulator. We have already held the first meeting with the Minister and Deputy Minister of Justice to have a preliminary discussions on the interpretation of a number of sections of the Act, including section 112(1)(a). This morning we had a working session with the Deputy Minister of Justice on the Act.
8. For our part, we have already produced a zero draft of the Regulations envisaged in Section 112(2) of POPIA. As already stated above, we decided to use our collective expertise and experience to produce the zero draft of the Regulations which will be submitted to the Law Advisors Office for refinement and finalization before we begin with the public consultation process. If all goes according to plan, we intend to table the regulations in Parliament in compliance with section 113 (5) (a) before the end of the year.
9. Section 114 (4) of POPIA requires us to take over the function of enforcing PAIA from the South African Human Rights Commission (SAHRC). The legal process of doing so is regulated by this subsection read with section 110 of POPIA. We have already held the first meeting with the SAHRC on the interpretation of the relevant provisions of PAIA and POPIA and a subsequent meeting will be held in March this year. We have decided to enter into a Memorandum of Understanding to operationalize the relevant section of the Act.
10. Tomorrow we will be paying a courtesy visit to the Speaker of the National Assembly and the Chairperson of the National Council of Provinces.
11. We are of the view that in our quest to establish a world class Regulator, it will be beneficial for us to learn from those who have been there before us. In this regard we

have decided to undertake a number of benchmarking visits to a number of countries globally, starting with the UK and Germany. We are in the process of identifying countries on the African Continent and in the developing world such as Mexico from which we can learn.

12. This is our first briefing meeting and we are planning to organize sector specific consultation workshops throughout the country in the near future.

13. . You will agree with us that we still have a very long way to go for the operationalization of an effective and efficient Regulator. We are committed to work hard to ensure that we achieve this goal. Our intent is to ensure that when a list of world class Information Regulators is mentioned globally, the Information Regulator of South Africa features prominently in that list. We cannot achieve this goal without your support. We count on you.

I thank you for your attention.