

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 2197

24 June 2022



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31 May 2022

NOTICE IN TERMS OF SECTION 61(2) OF THE PROTECTION OF PERSONAL INFORMATION ACT NO 4 OF 2013 (POPIA) CODE OF CONDUCT: THE BANKING ASSOCIATION SOUTH AFRICA (BASA)

1. In terms of the provisions of section 61 (2) of POPIA, the Information Regulator (Regulator) gives notice that the Regulator is in receipt of a code of conduct from the Banking Association South Africa (BASA) that deals with how personal information will be processed in the banking sector.
2. The purpose of the code of conduct is to-
 - 2.1. promote appropriate practices by members of BASA governing the processing of personal information in terms of POPIA;
 - 2.2. encourage the establishment of appropriate agreements between members of BASA and third parties, regulating the processing of personal information as required by POPIA and dictated by good business practice; and
 - 2.3. to establish procedures for members of BASA to be guided in their interpretation of principally POPIA, but also other laws or practices governing the processing of personal information, allowing for complaints against banks to be considered and remedial action, where appropriate, to be taken.
3. The code of conduct governs-
 - 3.1. the processing of personal information (including consumers information) by banks that are members of BASA in compliance with POPIA and Banks Act, 94 of 1990.

- 3.2. where appropriate, agreements that may need to be concluded between members of BASA and third parties promoting, and to the extent possible ensuring that personal information is processed in compliance with POPIA; and
 - 3.3. the enforcement by BASA of the provisions of the code of conduct.
4. Affected persons are invited to submit written comments to the Regulator email address: POPIACompliance@inforegulator.org.za. within fourteen (14) days after publication of the notice in the Government Gazette. A copy of the code of conduct will be made available on the Regulator's website, alternatively, a request for a copy of the code may be made by addressing correspondence to email address: POPIACompliance@inforegulator.org.za.