

NATIONAL TREASURY

NO. 3923

29 September 2023



**INFORMATION
REGULATOR
(SOUTH AFRICA)**
*Ensuring protection of your personal information
and effective access to information*

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12 September 2023

**NOTICE IN TERMS OF SECTION 37(1) OF THE PROTECTION OF PERSONAL
INFORMATION ACT NO 4 OF 2013 (POPIA) EXEMPTION: BIDVEST PROTEA COIN
(PTY)(LTD)**

1. In terms of the provisions of section 37(1) of POPIA, the Information Regulator (Regulator) gives notice that the Regulator grants exemptions to Bidvest Protea Coin (Pty)(Ltd) (responsible party), from compliance with section 11(3)(a) of POPIA. The exemption authorises the responsible party to process personal information in breach only of the relevant provision in one (1) of the eight conditions for lawful processing of personal information and under the circumstances outlined hereunder.
2. The responsible party is a private body whose business is to render private security services in South Africa. The responsible party provides security services of its clients on their properties and in accordance with individual contracts. This may entail guarding services, providing security services at mines, essential infrastructure, such as mobile phone service providers, banks, security estate, shopping malls and many other private entities. The responsible party conducts official investigations to assist the South African Police Services (SAPS), and National Prosecuting Authorities (NPA).
3. The Regulator found that the processing of personal information of data subjects by the responsible party is in breach of -
 - 3.1. Section 11(3)(a) to the extent that the responsible party may not allow data subjects to object to the processing that is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied (the latter being SAPS and NPA).
 - 3.2. The exemption from compliance applies in terms of this section only.
4. Grounds for granting of exemption by the Regulator-

Adv. FDP Tlakula (Chairperson), Adv. LC Stroom Nzama (Full-time Member), Adv. JC Weapond (Full-time Member), Ms AR Tilley (Part-time Member), Mr M Gwala (Part-time Member)

- 4.1. The grounds for exemption from compliance in terms of section 37(1)(a) and section 37(2)(b) apply.
- 4.2. The Regulator is satisfied that, in the circumstances of the case, the public interest in the processing, which includes 'the prevention, detection and prosecution of offences'; outweighs, to a substantial degree, any interference with the privacy of the data subject that could result from such processing.
5. The effect of the exemption is:
 - 5.1. To exempt the responsible party from compliance with section 11(3)(a) of POPIA (objection to processing) during the prevention, detection, investigation, and prosecution of offences when processing personal information in terms of POPIA.
6. Where appropriate, agreements ensuring that personal information is processed in compliance with POPIA which cover the terms of sections 20 and 21 of POPIA may need to be concluded between the responsible party and the relevant law enforcement agencies.
7. The Regulator grants the exemption to the responsible party on the following conditions imposed in terms of section 37(3):
 - 7.1. The responsible party must secure and protect the personal information of data subjects in compliance with section 19 of POPIA and
 - 7.2. The responsible party remains bound by any other conditions for the lawful processing on personal information that may apply in terms of a Guidance Note to be issued by the Information Regulator on surveillance by CCTV camera.
8. A copy of this exemption notice will be made available on the Regulator's website, alternatively, a request for a copy can be made by addressing correspondence to email address: POPIACompliance@inforegulator.org.za.



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12 September 2023

**NOTICE IN TERMS OF SECTION 37(1) OF THE PROTECTION OF PERSONAL
INFORMATION ACT NO 4 OF 2013 (POPIA) EXEMPTION: IRS FORENSIC AND
INVESTIGATIONS (PTY) LTD**

1. In terms of the provisions of section 37(1) of POPIA, the Information Regulator (Regulator) gives notice that the Regulator grants an exemption to IRS Forensic and Investigations (Pty) Ltd (responsible party) from compliance with section 11(3)(a) and section 24 of POPIA to process personal information in breach only of the relevant provisions in two (2) of the eight conditions for lawful processing of personal information and under the circumstances outlined hereunder.
2. The responsible party is a private body whose main business is to render investigation services in respect of criminal offences. The responsible party conducts official investigations as per the request of South African Police Services (SAPS), Directorate for Priority Crime Investigations (DPCI), National Council of Society for the Prevention of Cruelty to Animals (NSPCA), Society for the Prevention of Cruelty to Animals (SPCAs), and National Prosecuting Authorities (NPA).
3. The Regulator found that the processing of personal information of data subjects by the responsible party is in breach of -
 - 3.1. Section 11(3)(a) of POPIA to the extent that the responsible party may not allow data subjects to object to the processing that is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied (the latter being SAPS, DPCI, SPCAs, NSPCA and NPA).
 - 3.2. Section 24 of POPIA to the extent that the responsible party may not accede to the request to destroy or delete the information that is under investigation of crime and prosecution of offences that would jeopardise the attainment of justice.
 - 3.3. The exemption from compliance applies in terms of these sections only.

Adv. FDP Tlakula (Chairperson), Adv. LC Stroom Nzama (Full-time Member), Adv. JC Weapond (Full-time Member), Ms AR Tilley (Part-time Member), Mr M Gwala (Part-time Member)

4. Grounds for granting of exemption by the Regulator-
 - 4.1. The grounds for exemption from compliance in terms of section 37(1)(a) and section 37(2)(b) apply.
 - 4.2. The Regulator is satisfied that, in the circumstances of the case, the public interest in the processing, which includes 'the prevention, detection and prosecution of offences'; outweighs, to a substantial degree, any interference with the privacy of the data subject that could result from such processing.
5. The effect of the exemption is:
 - 5.1. To exempt the responsible party from compliance with section 11(3)(a) (objection to processing) and section 24 (correction of personal information) of POPIA during the prevention, detection, investigation, and prosecution of offences when processing personal information in terms of POPIA.
6. Where appropriate, agreements ensuring that personal information is processed in compliance with POPIA which cover the terms of sections 20 and 21 of POPIA may need to be concluded between the responsible party and the relevant law enforcement agencies.
7. The Regulator grants the exemption to the responsible party on the following conditions imposed in terms of section 37(3):
 - 7.1. The responsible party must secure and protect the personal information of data subjects in compliance with section 19 of POPIA and
 - 7.2. The responsible party remains bound by any other conditions for the lawful processing on personal information that may apply in terms of a Guidance Note to be issued by the Information Regulator on surveillance by CCTV camera.
8. A copy of this exemption notice will be made available on the Regulator's website, alternatively, a request for a copy can be made by addressing correspondence to email address: POPIACompliance@info regulator.org.za.



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**NOTICE IN TERMS OF SECTION 37(1) OF THE PROTECTION OF PERSONAL
INFORMATION ACT NO 4 OF 2013 (POPIA) EXEMPTION: ROAD TRAFFIC
INFRINGEMENT AGENCY**

1. In terms of the provisions of section 37(1) of POPIA, the Information Regulator (Regulator) gives notice that the Regulator grants exemptions to Road Traffic Infringement Agency (responsible party), from compliance with section 11(3)(a) and section 24 of POPIA. The exemption authorises the responsible party to process personal information in breach only of the relevant provisions in two (2) of the eight conditions for lawful processing of personal information, under the circumstances outlined hereunder.
2. The responsible party is a public body whose main business is to administer the procedure to discourage the contravention of road traffic and road transport laws, manages the National Contravention Register (NCR) on which all road traffic violations namely: infringements and offences for issuing authorities are recorded. The responsible party assists to combat, prevent, detect, investigate, and prosecute crimes in South Africa. The responsible party also enforces penalties imposed against persons contravening road traffic laws and provide specialised prosecution support services to National Prosecuting Authority (NPA).
3. The Regulator found that the processing of personal information of data subjects by the responsible party is in breach of -
 - 3.1. Section 11(3)(a) to the extent that the responsible party may not allow data subjects to object to the processing that is necessary for the proper performance of a public law duty by a public body (law enforcement agencies) and
 - 3.2. Section 24 of POPIA to the extent that the responsible party may not accede to the request to destroy or delete the information that is under criminal proceedings and the infringement information that is in the National Contravention Register that would jeopardise the attainment of justice.

Adv. FDP Tlakula (Chairperson), Adv. LC Stroom Nzama (Full-time Member), Adv. JC Weapond (Full-time Member), Ms AR Tilley (Part-time Member), Mr M Gwala (Part-time Member)

- 3.3. The exemption from compliance is granted and applies in terms of these sections only.
4. Grounds for granting of exemption by the Regulator-
 - 4.1. The grounds for exemption from compliance in terms of section 37(1)(a); section 37(2)(b) and section 37(2)(c) apply.
 - 4.2. The Regulator is satisfied that, in the circumstances of the case, the public interest in the processing, which includes ‘the prevention, detection and prosecution of offences; and the important economic and financial interest of a public body’; outweighs, to a substantial degree, any interference with the privacy of the data subject that could result from such processing.
5. The effects of the exemption are:
 - 5.1. To exempt the responsible party from compliance with section 11(3)(a) (objection to processing) and section 24 (correction of personal information) of POPIA during the prevention, detection, investigation, and prosecution of offences; and the important economic and financial interest of a public body when processing personal information in terms of POPIA.
6. Where appropriate, agreements ensuring that personal information is processed in compliance with POPIA which cover the terms of sections 20 and 21 of POPIA may need to be concluded between the responsible party and the relevant law enforcement agencies.
7. The Regulator grants the exemption to the responsible party on the following conditions imposed in terms of section 37(3):
 - 7.1. The responsible party must secure and protect the personal information of data subjects in compliance with section 19 of POPIA and
 - 7.2. The responsible party remains bound by any other conditions for the lawful processing on personal information that may apply in terms of a Guidance Note to be issued by the Information Regulator on surveillance by CCTV camera.
8. A copy of this exemption notice will be made available on the Regulator’s website, alternatively, a request for a copy can be made by addressing correspondence to email address: POPIACompliance@inforegulator.org.za.



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**NOTICE IN TERMS OF SECTION 37(1) OF THE PROTECTION OF PERSONAL
INFORMATION ACT NO 4 OF 2013 (POPIA) EXEMPTION: SSG SECURITY SOLUTIONS
(PTY) LTD**

1. In terms of the provisions of section 37(1) of POPIA, the Information Regulator (Regulator) gives notice that the Regulator grants exemptions to SSG Security Solutions (Pty) Ltd (responsible party), from compliance with section 11(3)(a) and section 24 of POPIA. The exemption authorises the responsible party to process personal information in breach only of the relevant provisions in two (2) of the eight conditions for lawful processing of personal information, under the circumstances outlined hereunder.
2. The responsible party is a private body whose main business is to render private security services in the Republic of South Africa. This may entail guarding services, investigation and security services, administrative and support services, waste management and remediation services. The responsible party conducts official investigations as per the request of South African Police Services (SAPS) and Directorate for Priority Crime Investigation (DPCI).
3. The Regulator found that the processing of personal information of data subjects by the responsible party is in breach of -
 - 3.1. Section 11(3)(a) to the extent that the responsible party may not allow data subjects to object to the processing that is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied (the latter being SAPS and DPCI). and
 - 3.2. Section 24 of POPIA to the extent that the responsible party may not accede to the request to destroy or delete the information that is under investigation of crime and prosecution of offences that would jeopardise the attainment of justice.
 - 3.3. The exemption from compliance is granted and applies in terms of these sections only.

Adv. FDP Tlakula (Chairperson), Adv. LC Stroom Nzama (Full-time Member), Adv. JC Weapond (Full-time Member), Ms AR Tilley (Part-time Member), Mr M Gwala (Part-time Member)

4. Grounds for granting of exemption by the Regulator-
 - 4.1. The grounds for exemption from compliance in terms of section 37(1)(a) and section 37(2)(b) apply.
 - 4.2. The Regulator is satisfied that, in the circumstances of the case, the public interest in the processing, which includes 'the prevention, detection and prosecution of offences'; outweighs, to a substantial degree, any interference with the privacy of the data subject that could result from such processing.
5. The effects of the exemption are:
 - 5.1. To exempt the responsible party from compliance with section 11(3)(a) (objection to processing) and section 24 (correction of personal information) of POPIA during the prevention, detection, investigation, and prosecution of offences when processing personal information in terms of POPIA.
6. Where appropriate, agreements ensuring that personal information is processed in compliance with POPIA which cover the terms of sections 20 and 21 of POPIA may need to be concluded between the responsible party and the relevant law enforcement agencies.
7. The Regulator grants the exemption to the responsible party on the following conditions imposed in terms of section 37(3):
 - 7.1. The responsible party must secure and protect the personal information of data subjects in compliance with section 19 of POPIA and
 - 7.2. The responsible party remains bound by any other conditions for the lawful processing on personal information that may apply in terms of a Guidance Note to be issued by the Information Regulator on surveillance by CCTV camera.
8. A copy of this exemption notice will be made available on the Regulator's website, alternatively, a request for a copy can be made by addressing correspondence to email address: POPIACompliance@info regulator.org.za.