

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 7198

6 March 2026



**INFORMATION
REGULATOR
(SOUTH AFRICA)**

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

GOVERNMENT NOTICE**INFORMATION REGULATOR**

No. R.

2026

**THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF
2013): REGULATIONS UNDER SECTION 112(2)(c) OF THE PROTECTION OF
PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

I, Adv Pansy Tlakula, Chairperson of the Information Regulator, hereby, under section 112(2)(c) of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013), make the Regulations in the Schedule.

F.D.P. TLAKULA

Adv Pansy Tlakula

CHAIRPERSON: INFORMATION REGULATOR

Date: 27 February 2026

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CHAPTER 1

DEFINITIONS

1. DEFINITIONS

In these Regulations, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and, unless the context otherwise indicates:

“administrative bodies”

means any responsible party who processes health information of a data subject in implementing laws, regulations and the reintegration of or support for workers or persons entitled to benefit in connection with health covers;

- “benefit”** means, for the purpose of these Regulations, a payout or other form of compensation or reimbursement or medical cover due and payable in terms of an obligation in law, insurance policy, or contract;
- “employer”** means a person, company, or organisation that pays others to work for them, often under their direction, in exchange for wages or a salary, forming a contractual relationship for work;
- “health information”** means personal information relating to the physical and/or mental health of a data subject, including the provision of healthcare services and/or any testing, treatment, and diagnosis which reveals information about the data subject’s health status;
- “insurance company”** means a company that provides and sells insurance;
- “insurance policy”** has the meaning ascribed thereto in the Insurance Act, 2017 (Act No. 18 of 2017);
- “managed healthcare”** means clinical and financial risk assessment and management of health care, with a view to facilitating appropriateness and cost-effectiveness of relevant health services within the constraints of what is affordable, through the use of rules-based and clinical management-based programmes as referred to in the Regulations of the Medical Schemes Act GNR.1360 of 2002 with effect from 1 January 2003;
- “managed healthcare organisation”** means a person who has contracted with a medical scheme in terms of regulation 15A to

provide a managed healthcare service as referred to in the Regulations of the Medical Schemes Act GNR.1360 of 2002 with effect from 1 January 2003;

“medical scheme” means any medical scheme registered under section 24(1) of the Medical Schemes Act, 1998 (Act No. 131 of 1998);

“medical scheme administrator” means any person who has been accredited by the Council in terms of section 58 of the Medical Schemes Act, 1998 (Act No. 131 of 1998);

“pension fund” means a pension fund organisation, as referred to in section 1 of the Pension Funds Act, 1956 (Act No. 24 of 1956), and section 1 of the Income Tax Act, 1962 (Act No. 58 of 1962); and

“the Act” means the Protection of Personal Information Act, 2013 (Act 4 No. of 2013).

CHAPTER 2

PURPOSE OF THE REGULATIONS

2.1 The primary purpose of these Regulations is to:

- 2.1.1 Assist responsible parties to interpret section 32(6) of the Act correctly;
- 2.1.2 provide better transparency to data subjects on the manner in which their health information may be used; and
- 2.1.3 provide a framework to the Information Regulator regarding the enforcement mechanism for the processing of health information of data subjects as provided for in section 32(6) of the Act.

SCOPE OF APPLICATION

3.1 These Regulations shall apply to the processing of health information by the following responsible parties and applicable operators:

- 3.1.1 Insurance Companies;
- 3.1.2 Medical Schemes;
- 3.1.3 Medical Scheme Administrators;
- 3.1.4 Managed Healthcare Organisations;
- 3.1.5 Administrative Bodies;
- 3.1.6 Pension Funds;
- 3.1.7 Employers; and
- 3.1.8 Institutions working for employers, administrative bodies or pension funds.

3.2. Reference to the responsible parties in these Regulations shall refer to the responsible parties specified in sub-regulations 3.1.1 to 3.1.8.

CHAPTER 3

PROCESSING OF SPECIAL PERSONAL INFORMATION BY CERTAIN RESPONSIBLE PARTIES

4. Authorisation concerning the processing of data subject's health information

- 4.1. A responsible party may, subject to section 27 of the Act, not process personal information concerning the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject.

5. Appropriate safeguards

- 5.1. The responsible party that processes health information shall be responsible for maintaining the confidentiality, integrity and availability of such information in its possession or under its control by taking appropriate, reasonable technical and organisational measures in accordance with section 19(1) of the Act to prevent:
- 5.1.1. Loss of damage to or unauthorised destruction of health information; and
 - 5.1.2. Unlawful access to or processing of health information.
- 5.2. The safeguards to be maintained under sub-regulation 5.1. must include appropriate measures for -
- 5.2.1. the security and confidentiality of records, which measures must address the risks associated with physical or electronic health records; and
 - 5.2.2. the proper disposal of health records to prevent any reasonably anticipated unauthorised use or disclosure of the health information or unauthorised access to the health information following its disposal.
- 5.3. Processing of health information must be undertaken subject to a duty of confidentiality imposed by law, office, employment, profession, or written agreement, as contemplated in section 32(2) of the Act.

- 5.4. The responsible party must implement and maintain appropriate and reasonable technical and organisational measures to ensure the integrity and confidentiality of health information, in line with generally accepted information security practices applicable to its sector or industry, as contemplated in section 19 of the Act.

6. Transfer of personal information outside the Republic

- 6.1. The responsible party is prohibited from transferring the health information of a data subject to a third party in a foreign country unless one or more of the requirements set out in section 72(1) of the Act are met.

CHAPTER 4

7. Short title and commencement

- 7.1. These Regulations shall be called the Regulations relating to the Processing of Data Subjects' Health Information by Certain Responsible Parties, 2026.
- 7.2. These Regulations commence on the date of publication in the *Gazette*.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. 7198

6 Maart 2026



**INFORMATION
REGULATOR
(SOUTH AFRICA)**

*Ensuring protection of your personal information
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GOEWERMENTSKENNISGEWING**INLIGTINGSREGULEERDER**

No. R.

2026

**DIE WET OP BESKERMING VAN PERSOONLIKE INLIGTING (WET NO. 4 VAN
2013): REGULASIES KRAGTENS ARTIKEL 112(2)(c) VAN DIE WET OP
BEKERMING VAN PERSOONLIKE INLIGTING, 2013 (WET NO. 4 VAN 2013)**

Ek, Adv Pansy Tlakula, Voorsitter van die Inligtingsreguleerder, kragtens artikel 112(2)(c) van die Wet op Beskerming van Persoonlike Inligting, 2013 (Wet No. 4 van 2013), maak hierby die Regulasies in die Bylae.

F.D.P. TLAKULA

Adv Pansy Tlakula

VOORSITTER: INLIGTINGSREGULEERDER

Datum: 27 Februarie 2026

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HOOFSTUK 1

WOORDOMSKRYWINGS

1. WOORDOMSKRYWINGS

In hierdie Regulasies, enige woord of uitdrukking ten opsigte waarvan 'n betekenis ingevolge die Wet toegeskryf is het sodanige betekenis toegewys en, tensy uit die samehang die teendeel wys, beteken:

“administratiewe liggame” enige verantwoordelike party wat gesondheidsinligting van 'n data subjek prosessee in die implementering van wetgewing, regulasies en die her-integrasie van of ter ondersteuning van werkers of persone wat geregtig is om voordeel in verband met gesondheidsdekking te trek;

“bestuurde gesondheidsorg” kliniese en finansiële risiko vasstelling en bestuur van gesondheidsorg, met die oog daarop om die behoorlikheid en koste effektiwiteit van die betrokke gesondheidsdienste binne die perke wat bekostigbaar is te fasiliteer, by wyse van die gebruik van reëls gebaseerde en kliniese bestuur-gebaseerde programme soos bedoel in die Regulasies van die Mediese Skemas Wet GNR. 1360 van 2002 met ingang van 1 Januarie 2003;

“bestuurde gesondheidsorg-organisasie” 'n persoon wat met 'n mediese skema ingevolge regulasie 15A gekontrakteer het om bestuurde gesondheidsorg te voorsien ingevolge die Regulasies van die Wet op Mediese Skemas GNR. 1360 van 2002 met ingang van 1 Januarie 2003;

“die Wet”	die Wet op Beskerming van Persoonlike Inligting, 2013 (Wet No. 4 van 2013);
“gesondheidsinligting”	persoonlike inligting met betrekking tot die fisiese en/of geestelike gesondheid van ‘n data subjek, met inbegrip van die verskaffing van gesondheidssorg van ‘n data subjek, met inbegrip van die voorsiening van gesondheidssorg en/of toetsing, behandeling, en diagnose wat inligting aangaande die data subjek se gesondheidsstatus openbaar;
“mediese skema”	‘n mediese skema kragtens artikel 24(1) van die Wet op Mediese Skemas, 1998 (Wet No. 131 van 1998), geregistreer;
“mediese skema administrateur”	‘n persoon wat ingevolge die Raad ingevolge artikel 58 van die Wet op Mediese Skemas, 1998 (Wet No. 131 van 1998), ge-akkrediteer is;
“pensioen fonds”	‘n pensioen fonds organisasie, soos bedoel in artikel 1 van die Wet op Pensioen Fondse, 1956 (Wet No. 24 van 1956), en artikel 1 van die Wet op Inkomstebelasting, 1962 (Wet No. 58 van 1962);
“voordeel”	vir doeleindes van hierdie Regulasies, ‘n uitbetaling of ander vorm van vergoeding of terugbetaling vir mediese dekking wat ingevolge ‘n verpligting ingevolge ‘n regsplig, versekeringspolis, of kontrak verskuldig en betaalbaar is;
“versekerings maatskappy”	‘n maatskappy wat versekering voorsien en verkoop;

“versekeringspolis”	die betekenis daarby deur die Wet op Versekering, 2017 (Wet No. 18 van 2017), toegeken; en
“werkgewer”	‘n persoon, maatskappy, of organisasie wat iemand anders, gewoonlik onder hulle aanwysing, betaal om vir hulle te werk, in ruil vir lone of ‘n salaris, wat ‘n kontraktuele verhouding daarstel.

HOOFSTUK 2

OOGMERK VAN DIE REGULASIES

2.1 Die hoofdoel van hierdie Regulasies is om:

- 2.1.1 Verantwoordelike partye by te staan om artikel 32(6) van die Wet korrek te interpreteer;
- 2.1.2 voorsiening te maak om beter deursigtigheid aan data subjekte te verskaf ten opsigte van die wyse waarop hulle gesondheidsinligting gebruik mag word; en
- 2.1.3 ‘n raamwerk aan die Inligtingsreguleerder met betrekking tot die afdwingingsmeganisme vir die prosessering van gesondheidsinligting van data subjekte soos voorsien deur artikel 32(6) van die Wet daar te stel.

OMVANG VAN TOEPASSING

3.1 Hierdie Regulasies is op die prosessering van gesondheidsinligting deur die volgende verantwoordelike partye en toepaslike operateurs van toepassing:

- 3.1.1 Versekerings Maatskappye;
- 3.1.2 Mediese Skemas;
- 3.1.3 Mediese Skema Administrateurs;
- 3.1.4 Bestuurde Gesondheidsorg Organisasies;
- 3.1.5 Administratiewe Liggame;

- 3.1.6 Pensioen Fondse;
 - 3.1.7 Werkgewers; en
 - 3.1.8 Instellings wat vir werkgewers, administratiewe liggame of pensioen fondse werk.
- 3.2. Verwysing na die verantwoordelike partye in hierdie Regulasies verwys na die verantwoordelike partye in sub-regulasies 3.1.1 tot 3.1.8 bedoel.

HOOFSTUK 3

PROESSERING VAN SPESIALE PERSOONLIKE INLIGTING DEUR SEKERE VERANTWOORDELIKE PARTYE

4. Magtiging aangaande proessering van data subjek se gesondheidsinligting

- 4.1. 'n Verantwoordelike party mag, onderhewig aan artikel 27 van die Wet, nie die persoonlike inligting aangaande die religieuse of filosofiese geloof, ras of etniese herkoms, vakbond lidmaatskap, politieke ootuiging, gesondheid of sekslewe of biometriese inligting van 'n data subjek prosessee nie.

5. Voldoende veiligheidsmaatreëls

- 5.1. Die verantwoordelike party wat gesondheidsinligting prosessee is verantwoordelik vir die handhawing van konfidensialiteit, integriteit en die beskikbaarheid van sodanige inligting onder sy of haar beheer deur gepaste, redelike tegniese en organisatoriese maatreëls in ooreenstemming met artikel 19(1) van die Wet te neem om:
 - 5.1.1. Verlies of beskadeging van of ongemagtige vernietiging van gesondheidsinligting; en
 - 5.1.2. Onregmatige toegang tot of proessering van gesondheidsinligting, te voorkom.

- 5.2. Die veiligheids maatreëls wat kragtens sub-regulasie 5.1 gehandhaaf moet word moet gepaste maatreëls vir—
- 5.2.1. Die sekuriteit en konfidensialiteit van rekords, welke maatreëls die risikos verbonde aan fisiese of elektroniese gesondheids rekords aanspreek; en
- 5.2.2. Die behoorlike vernietiging van gesondheids rekords om enige redelik voorsienbare ongemagtigde gebruik of openbaarmaking van die gesondheidsinligting of ongemagtigde toegang tot gesondheidsinligting na die inligting se vernietiging te voorkom, insluit.
- 5.3. Prosessering van gesondheidsinligting moet onderneem word onderhewig aan die plig van konfidensialiteit deur wet opgelê, amp, beroep, professie, of geskrewe ooreenkoms, soos beoog by artikel 32(2) van die Wet.
- 5.4. Die verantwoordelike party moet gepaste en redelike tegniese en organisatoriese maatreëls implementer en handhaaf om die integriteit en konfidensialiteit van gesondheidsinligting, in ooreenstemming met algemeen aanvaarde inligtings sekuriteits gebruike wat op so 'n sektor of industrie van toepassing is, soos beoog by artikel 19 van die Wet, te verseker.

6. Oordrag van persoonlike inligting buite die Republiek

- 6.1. Die verantwoordelike party word verbied om gesondheidsinligting van 'n data subjek na 'n derde party in 'n vreemde land oor te plaas tensy een of meerdere van die vereistes in artikel 72(1) van die Wet aan voldoen word.

HOOFSTUK 4

7. Kort titel en inwerkingtreding

- 7.1. Hierdie Regulasies heet die Regulasies met betrekking tot die Prosessering van Data Subjekte se Gesondheidsinligting deur Sekere Verantwoordelike Partye, 2026.
- 7.2. Hierdie Regulasies tree op die datum van publikasie in the *Staatskoerant* in werking.