DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 8199 **20 November 2026**



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05 November 2026

NOTICE IN TERMS OF SECTION 37(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT NO 4 OF 2013 (POPIA) EXEMPTION: SOUTHERN AFRICAN FRAUD PREVENTION SERVICE

1. In terms of the provisions of section 37(1) of POPIA, the Information Regulator (Regulator) may, by notice in the Gazette, grant an exemption to a responsible party to process personal information, even if that processing is in breach of a condition for the processing of such information, or any measure that gives effect to such condition, if the Regulator is satisfied that, in the circumstances of the case-

   (a) the public interest in the processing outweighs, to a substantial degree, any interference with the privacy of the data subject that could result from such processing.

2. The Regulator gives notice that it grants exemption from non-compliance with section 11(3)(a) of POPIA to the Southern African Fraud Prevention Service (SAFPS) to process personal information in the circumstance set out in this Notice.

3. The responsible party is a private body that assists its members to detect, prevent and combat fraud, identify theft, impersonation and related financial crimes through information sharing and fraud intelligence services. It maintains a fraud prevention databases containing data subjects' personal information, provides protective registration services to consumers and enables participating organisations to identify potentially fraudulent activity.

4. The purpose of the exemption is to-

   4.1. Allow non-compliance with section 11(3)(a) of POPIA (objection to processing) by SAFPS when processing personal information for the prevention, detection, investigation and combating fraud, identity theft, financial crime and related unlawful activities. The exercise of the right to object by data subjects in these circumstances may compromise fraud prevention measures, undermine investigations, and limit the

effectiveness of information sharing mechanisms designed to protect consumers, financial institutions and the public from fraudulent activities.

4.2. The exemption from compliance is granted and applies in terms of section 11(3) (a) only.

5. The conditions are imposed in terms of section 37(3) are as follows:

5.1. The exemption applies only to personal information processed for the purpose of preventing, detecting and investigating fraud and related financial crimes;

5.2. SAFPS maintains appropriate technical and organisational security measures to protect personal information in terms of section 19 of POPIA;

5.3. Personal information is retained only for as long as is necessary to achieve the purpose for which it was collected;

5.4. Access to the information is restricted to authorised persons who require access for fraud prevention purposes;

5.5. SAFPS must maintain a written data-sharing agreement with each member before disclosing or granting access to any personal information. Such agreements must adequately address and incorporate the eight conditions for the lawful processing of personal information as prescribed by POPIA.

5.6. SAFPS must implement appropriate measures to monitor, enforce, and ensure ongoing compliance with the obligations contained in each data-sharing agreement.

5.7. The applicant continues to comply with all other applicable provisions of POPIA and its Code of Practice.

6. Exemption applies to –

6.1. The processing of personal information for the prevention, detection, investigation and combating fraud, identity theft, financial crime, and related unlawful activities.

7. A copy of the notice granting exemption to SAFPS for non-compliance with section 11(3)(a) of POPIA will be made available on the Regulator's website. Alternatively, a request for a copy be made by addressing correspondence to the email address: POPIACompliance@infoRegulator.org.za .

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

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NOTICE IN TERMS OF SECTION 35(2) OF THE PROTECTION OF PERSONAL INFORMATION ACT NO 4 OF 2013 (POPIA) PERSONAL INFORMATION OF CHILDREN: SOUTHERN AFRICAN FRAUD PREVENTION SERVICE

1. In terms of section 35(2) of POPIA, the Regulator may upon granting the application by a responsible party and by notice in the Government Gazette authorise a responsible party to process personal information of children if such processing is in the public interest and appropriate safeguards have been put in place to protect the personal information of the child.

2. The Regulator grants authorisation to process personal information of children to the Southern African Fraud Prevention Service (SAFPS) in the circumstance set out in this Notice.

3. SAFPS is a private body that assists its members to detect, prevent and combat fraud, identify theft, impersonation and related financial crimes through information sharing and fraud intelligence services. It maintains a fraud prevention databases of data subjects' personal information, provides protective registration services to consumers and enables participating organisations to identify potentially fraudulent activity.

4. The SAFPS processes personal information of children for the specific and lawful purposes of fraud prevention, financial crime prevention and identity theft prevention.

5. The Regulator is satisfied that the processing of personal information of children serves a public interest purpose and that appropriate safeguards have been implemented to protect the personal information of the child.

6. The conditions imposed in terms of section 35(2) is that:

6.1. the responsible party must adopt and implement a defined, age-appropriate retention period, retain children's personal information only for as long as is necessary for the authorised purpose, and securely delete or de-identify it when it is no longer required;

6.2. SAFPS must notify a competent person of the processing, where appropriate and unless such notification would prejudice the child's interests, compromise a fraud investigation, or otherwise be prohibited by law,

6.3. SAFPS must conclude and maintain a written data-sharing agreement with each member before disclosing or granting access to any personal information. Such agreements must adequately address and incorporate the eight conditions for the lawful processing of personal information prescribed by POPIA,

6.4. SAFPS must ensure that appropriate, reasonable technical and organisational measures are implemented and maintained to safeguard the integrity and confidentiality of personal information in its possession or under its control, as required by section 19 of POPIA, and

6.5. SAFPS remains required to comply with all mandatory provisions of POPIA and all applicable conditions for the lawful processing of personal information, except to the extent that an exemption is granted in respect of section 11(3) (a) of POPIA.

7. A copy of the notice authorising the processing of personal information of children by SAFPS will be made available on the Regulator's website. Alternatively, a request for a copy be made by addressing correspondence to the email address: POPIACompliance@infoRegulator.org.za .

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NOTICE IN TERMS OF SECTION 27(2) OF THE PROTECTION OF PERSONAL INFORMATION ACT NO 4 OF 2013 (POPIA)SPECIAL PERSONAL INFORMATION: SOUTHERN AFRICAN FRAUD PREVENTION SERVICE

1. In terms of section 27(2) of POPIA, the Regulator may upon granting the application by a responsible party and by notice in the Government Gazette authorise a responsible party to process special personal information if such processing is in the public interest and appropriate safeguards have been put in place to protect the personal information of the data subject.

2. The Regulator grants an authorisation to process special personal information (biometric information and criminal behaviour) to the Southern African Fraud Prevention Service (SAFPS) in the circumstance set out in this Notice.

3. The SAFPS is a private body that assists its members to detect, prevent and combat fraud, identify theft, impersonation and related financial crimes through information sharing and fraud intelligence services. It maintains a fraud prevention database containing data subjects' personal information, provides protective registration services to consumers and enables participating organisations to identify potentially fraudulent activity.

4. The SAFPS processes special personal information (biometric information and criminal behaviour) for a specific and lawful purposes of fraud prevention, financial crime prevention and identity theft prevention.

5. The Regulator is satisfied that the processing of special personal information (biometric information and criminal behaviour) serves a public interest purpose and that appropriate safeguards have been implemented to protect the personal information of the data subject.

6. The conditions imposed in terms of section 27(2) is that:

a. SAFPS application in terms of section 27(2) of POPIA by the responsible party be considered as required and approved.

b. SAFPS must conclude and maintain a written data-sharing agreement with each member before disclosing or granting access to any personal information. Such agreements must adequately address and incorporate the eight conditions for the lawful processing of personal information as prescribed by POPIA.

c. SAFPS must implement appropriate measures to monitor, enforce, and ensure ongoing compliance with the obligations contained in each data-sharing agreement.

d. The authorisation granted by the Regulator is limited to the processing described in the application, namely criminal behaviour and biometric information.

e. SAFPS must ensure that appropriate, reasonable technical and organisational measures are implemented and maintained to safeguard the integrity and confidentiality of personal information in its possession or under its control, as required by section 19 of POPIA.

f. SAFPS remains required to comply with all mandatory provisions of POPIA and all applicable conditions for the lawful processing of personal information, except to the extent that an exemption is granted in respect of section 11(3) (a) of POPIA

7. A copy of the notice authorising the processing of special personal information (biometric information and criminal behaviour) by SAFPS will be made available on the Regulator's website. Alternatively, a request for a copy be made by addressing correspondence to the email address: POPIACompliance@infoRegulator.org.za .

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NOTICE IN TERMS OF SECTION 35(2) OF THE PROTECTION OF PERSONAL INFORMATION ACT NO 4 OF 2013 (POPIA) PERSONAL INFORMATION OF CHILDREN: SOUTH AFRICAN NATIONAL BLOOD SERVICE (NPC)

1. In terms of section 35(2) of POPIA, the Information Regulator (Regulator) may upon granting the application by a responsible party and by notice in the Government Gazette authorise a responsible party to process personal information of children if such processing is in the public interest and appropriate safeguards have been put in place to protect the personal information of the child.

2. The Regulator grants authorisation to process personal information of children to the South African National Blood Service (NPC) (SANBS) in the circumstance set out in this Notice.

3. SANBS is a private body operating as a non-profit company that collects blood donations for patients who require blood transfusions, such as accident victims and ill patients.

4. The SANBS processes personal information of children to determine the eligibility of donors and patients, to facilitate blood donations from donors and blood transfusion.

5. The Regulator is satisfied that the processing of personal information of children serves a public interest purpose and that appropriate safeguards have been implemented to protect the personal information of the child.

6. The conditions imposed in terms of section 35(2) are that:

   6.1. extra caution is taken not to process information in excess of the purpose for collection;

   6.2. SANBS must ensure that appropriate, reasonable technical and organisational measures are implemented and maintained to safeguard the integrity and confidentiality of personal information in its possession or under its control, as required by section 19 of POPIA; and

6.3. SANBS does not share the personal information of the children unreasonably and without the consent of a competent as defined in POPIA.

7. A copy of the notice to authorise processing of personal information of children by SANBS will be made available on the Regulator's website. Alternatively, a request for a copy be made by addressing correspondence to the email address: POPIACompliance@infoRegulator.org.za .