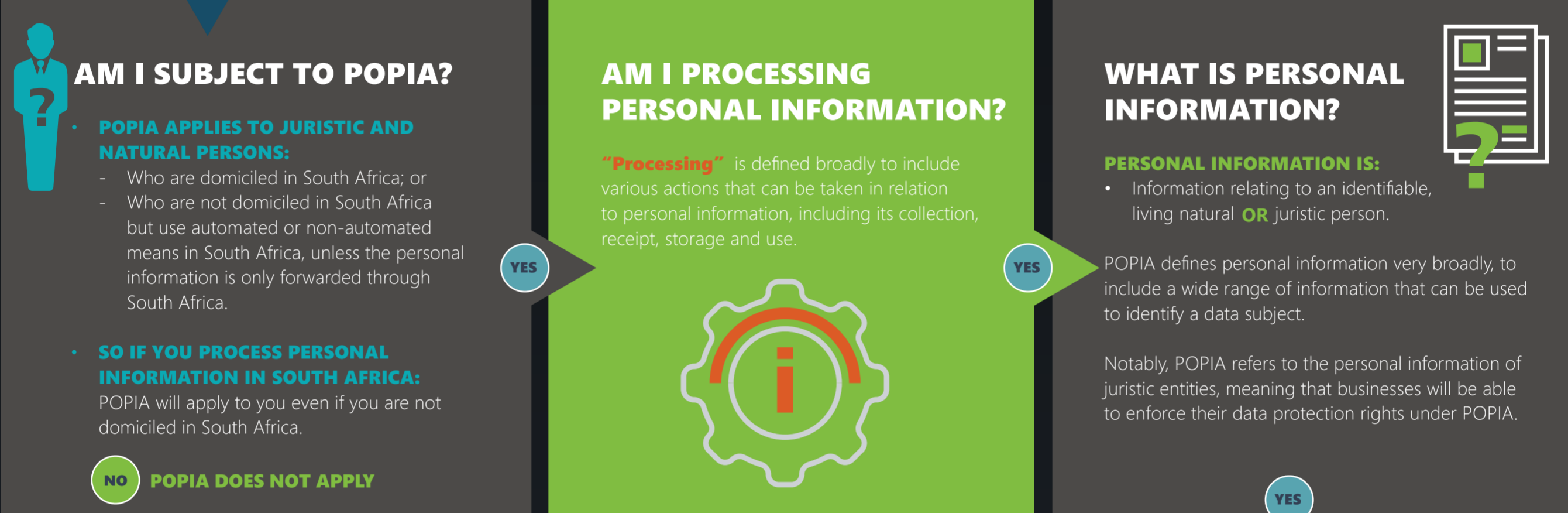


MICROSOFT WHITE PAPER ON PERSONAL INFORMATION ACT, 2013 (POPIA)

The Protection of Personal Information Act, 2013 (POPIA) came into effect on 1 July 2020. The 12-month grace period for compliance commenced on 1 July 2020. This means that private and public bodies, and anyone else who determines the purpose of, and means for, processing personal information (processing entities) now have until 30 June 2021 to comply with the Act's comprehensive requirements.

This White Paper sets out key provisions in POPIA but should not be read as an exhaustive summary of its provisions. Likewise, the controls detailed below should not be considered as representative of Microsoft's entire control framework. Furthermore, Microsoft's continuous development of its cloud service capabilities, combined with its focus on supporting and facilitating customers' compliance efforts, means that customers should consult their Microsoft representative for more information on available compliance technologies at the time of reading this White Paper.

Below we set out a high-level overview of the instances in which POPIA will apply to processing activities and the obligations which come with POPIA.



WHO CAN PROCESS PERSONAL INFORMATION?



RESPONSIBLE PARTY OBLIGATIONS UNDER POPIA

OPERATOR OBLIGATIONS UNDER POPIA



GENERAL PROCESSING PRINCIPLES

A RESPONSIBLE PARTY MUST COMPLY WITH ALL 8 CONDITIONS FOR LAWFUL PROCESSING, NAMELY:

- ACCOUNTABILITY:** You will be responsible for ensuring POPIA compliance
- PROCESSING LIMITATION:** You must only process that information which you require
- PURPOSE SPECIFICATION:** Personal information must be collected for a specific purpose
- FURTHER PROCESSING LIMITATION:** Further processing of personal information (i.e. outside original purpose) must be compatible with the original purpose of collection
- INFORMATION QUALITY:** You must keep personal information records accurate and up to date
- OPENNESS:** You must disclose certain information to data subjects (i.e. that their information is being collected, where it is collected from and how it is used)
- SECURITY SAFEGUARDS:** You must secure the integrity and confidentiality of personal information
- DATA SUBJECT PARTICIPATION:** You must allow data subjects to access their personal information

OPERATOR CONTRACTS

Responsible parties must conclude a written contract with operators to ensure that the operators establish and maintain measures that secure the integrity and confidentiality of personal information.

INFORMATION OFFICER

Responsible parties must appoint an Information Officer who is responsible for overseeing their compliance with the provisions of POPIA.

PRIVACY NOTICES

Responsible parties must tell individuals how their personal information is collected, why it is collected and how it will be used.

TRANS-BORDER INFORMATION FLOWS

POPIA sets out restrictions on when personal information can be transferred outside South Africa.

DATA SECURITY AND BREACH NOTIFICATION

If there is a data breach, the responsible party may have to inform the affected individuals and the Information Regulator.

PROCESSING JUSTIFICATION

A responsible party must make sure processing in these circumstances:

- With consent
- For performance of a contract
- In compliance with a legal obligation
- Legitimate interests
- Public law duty.

RECORD RETENTION

POPIA restricts the instances in which personal information can be retained by a responsible party.

OPERATOR CONTRACTS

Operators must comply with the provisions of the contract concluded with a responsible party.

DATA BREACH

Operators must notify the responsible party immediately of any suspected or actual data breach.

RESPONSIBLE PARTY / OPERATOR EXAMPLES

You manage your employee data on your IT systems	You are likely a Responsible Party
You are appointed to provide payroll services to your client	You are Likely an Operator
You provide information about your patient to a medical insurer	You are likely a Responsible Party
You send marketing emails to your client's customer list	You are likely an Operator

FOR MORE INFORMATION CONTACT

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