



HOSPITALITY SOLUTIONS

Protection of Personal Information Statement (POPI Statement)

WHAT IS POPI?

The [Protection of Personal Information Act No.4 of 2013 \(POPI\)](#) is South Africa's legislation for the protection of individuals' personal information against unethical use. The preamble to the Act states the intention is to:

“Regulate, in harmony with international standards, the processing of personal information by public and private bodies in a manner that gives effect to the right to privacy subject to justifiable limitations that are aimed at protecting other rights and important interests.”

Since its passing into law, the Government has taken an incremental approach to the commencement of different sections of the Act. In terms of a proclamation issued by the President, Sections [110](#) and [114\(4\)](#) of the Act commenced on 30 June 2020 and the remainder of the Act's sections commenced on 1 July 2020.

The purpose behind POPI can therefore be seen as the promotion of the constitutional right to privacy by ensuring that **responsible parties** and **operators** engage in **lawful processing of personal information** in accordance with, and with respect for, the **rights of data subjects**.

RESPONSIBLE PARTIES AND OPERATORS

The **responsible party** in respect of POPI is the public or private body or any other person which **determines** the purpose of and means for the processing of information.

An **operator** is a person or entity who processes information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party.

Putting this into context, you, the **client** are the **responsible party** for your customers' (data subjects) personal information. **360 Hospitality Solutions** is acting as an **operator** for your benefit, processing your clients' personal information in order to assist you to recognise and improve the customer experience of all clients by providing products and services as contributors to the Hospitality and Tourism industry. The relevance of this is that a party's role determines their rights, obligations and liabilities.



HOSPITALITY SOLUTIONS

LAWFUL PROCESSING OF PERSONAL INFORMATION

Personal information is information which can be used to identify a data subject – a definitive list can be found in [Section 1](#) of the Act. The **data subject** is the person to whom the personal information relates and can be either a natural or juristic person. Almost any way that a company interacts with the personal information of a data subject constitutes **processing** – a definitive list is once again available in [Section 1](#) of the Act.

Under POPI there are **eight principles for the lawful processing of information**, aimed at posing a balance between the necessary processing of data for business purposes and protecting the rights of individuals. These are:

1. Accountability
2. Processing Limitation
3. Purpose Specification
4. Further Processing Limitation
5. Information Quality
6. Openness
7. Security Safeguards
8. Data Subject Participation

More detailed information on each of these principles is provided in [Chapter 3](#) of POPI.

Whose legal responsibility it is to ensure compliance with POPI depends on the relationship between the data subject and the organisation doing the processing.

RIGHTS OF DATA SUBJECTS

Under POPI, data subject rights include the right to access what information of theirs is held, the right to correct information, the right to be notified of collection and the purpose of the collection, the right to object to the processing of their information and, in certain circumstances, the right to erasure.



HOSPITALITY SOLUTIONS

In the case of an alleged infringement of a data subject's rights, any person has the right to lodge a formal complaint with the Regulator. Pursuant to [Section 74](#), complaints can be made to the Information Regulator, by completing and submitting the relevant form found on their [website](#).

POPI AND 360 HOSPITALITY SOLUTIONS

360 Hospitality Solutions is committed to the strictest levels of data protection and privacy. We treat the personal information of your company, employees and clients with the utmost circumspection and respect for the rights of data subjects. More detailed information on how we do this can be found in our Privacy Policy.

Privacy and data protection are cornerstones of the culture at 360 Hospitality Solutions and as such, we have for some time been largely compliant with the obligations that are now statutorily imposed by virtue of being an operator under POPI.

These obligations have been codified within POPI as follows:

- **Processing** – Only process information with the authorisation of the responsible party.
- **Confidentiality** – Treat personal information which comes to their knowledge as confidential.
- **Security** – Put in place technical and organisational measures to ensure that the confidentiality and integrity of personal information is protected, and immediately notify the responsible party where there are reasonable grounds to believe that personal information of a data subject has been accessed or acquired by an unauthorised person.

The personal information provided to 360 Hospitality Solutions by you may include information such as data subjects' names, dates of birth, nationality, gender, physical address and email address. On signup and in order to make use of 360 Hospitality Solutions, you are required to agree to our Terms of Service. These contain a clause consenting to the lawful collection and processing of personal information.

As was the case before POPI, 360 Hospitality Solutions will continue to make reasonable efforts to assist you in the provision of personal information in line with your obligations to your employees' (data subjects) rights under POPI, as laid out in [Sections 23 to 25](#) of the Act.



HOSPITALITY SOLUTIONS

As well as complying with the principles of lawful processing, which for 360 Hospitality Solutions includes meeting the three obligations covered above, the following are relevant:

- **Appointment and registration of a company Information Officer** – 360 Hospitality Solutions has completed the registration of our Information Officer and Deputy Information Officer. They can be contacted at complianceofficer@360hospitalitysolutions.co.za;
- **Processing of Special Personal Information** – processing of certain data, such as race and philosophical beliefs, is prohibited except in certain circumstances, including where such processing is necessary to meet legal obligations. It is under this exception that 360 Hospitality Solutions is allowed to process special personal information with your (and by extension your employees') consent.