



**environment, forestry
& fisheries**

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Ref: 02/1/5/2

NATIONAL COUNCIL OF PROVINCES

(For written reply)

QUESTION NO. 568 {CW633E}

INTERNAL QUESTION PAPER NO. 19 of 2020

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Mr M Nhanha (Eastern Cape: DA) to ask the Minister of Forestry, Fisheries and the Environment:
Whether her Department has made any efforts to date to ensure that private information of individuals and entities in its possession is safeguarded from unlawful access by third parties; if not, why not; if so, what are the relevant details?

568. THE MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT REPLIES:

The request for information held by the Department, including information of third parties, is dealt with by the Department in terms of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA). The processes and procedures in terms of PAIA are followed before information of the Department or third parties is released. These processes and procedures include giving notice to third parties, of requests for access to their information, allowing them an opportunity to object to their information being released, as well as an internal appeal process, before the potential release of such information.

Further consideration is also given to the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (POPI Act), before releasing personal information of third parties.

Since the POPI Act came into effect on 1 July 2020, the Department has a 12-month grace period before compliance with the POPI Act becomes mandatory. The Department has, so far, undertaken internal consultations and training workshops with the aim of preparing the Department for full compliance with the act by the end of the grace period. In order to be fully compliant, the Department will set up appropriate infrastructure, including a Personal Information Compliance Framework and a Personal Information Impact Assessment that will ensure a coordinated response and compliance by the Department after the grace period has ended.

In terms of Regulation 4 of the Regulations relating to the Protection of Personal Information, the Information Officer is required to ensure that a compliance framework is developed, implemented and maintained. The said Regulation further requires the Information Officer to do a personal information impact assessment in order to ensure that adequate measures and standards exist within the Department in order to comply with the conditions for the lawful processing of personal information. While the Department will set up a Personal Information Compliance Framework as well as do a personal information impact assessment, it should be noted that the Department has already developed a manual in terms of the PAIA, as required by Regulation 4(c) of the Regulations relating to the Protection of Personal Information, which has to be reviewed to ensure compliance, not only with the PAIA, but also with the requirements of the POPI Act.

Regards



MS BD CREECY, MP

MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DATE: 2020/9/18