

LEGAL COMMITTEE

SASS NATIONAL



The President: Mrs P Roodt

Date: 29 JUNE 2021

South African Sheriff Society

Per email: petro@sheriffbfn.co.za

Dear SASS President and EXCO

RE: SHERIFF'S COMPLIANCE WITH POPI ACT

We refer to the email dated 23 June 2021 addressed to the Legal Committee to comment on the impact of the Protection of Personal Information Act on the profession.

We wish to mention at the outset that the provisions of the Act are new and it will be uncharted waters for most industries. In the little time that we have had to consider the act we thought it would be important for members to know that as a result of the implementation of the POPI Act, which comes into effect on 01 July 2021, the following steps will have to be taken in order for the sheriff business to comply to this law.

Members must take note that it is compulsory for businesses to comply to the POPI Act, except in cases as listed in the framework (only relevant to households, courts and journalistic undertakings).

It is also important to take note that non-compliance may lead to fines and even criminal consequences. As a quick guide members are encouraged to follow the steps enumerated below:-

STEPS :

1. Appoint an Information Official / Officer.
Refer to the enclosed form. Part A,C,D, and E must be completed.
2. A certified copy of the Information Officer's ID must accompany this form.



South African Sheriff Society (<http://www.sassoc.co.za>)

President: Petro Roodt , 082 781 6170 | Vice President: Thaka Seboka, 082 783 1249 | Treasurer: Marks Mangaba, 072 353 3046

Secretary: Allan Murugan, 082 375 8340 | Tel: 051 447 3784 | Fax: 051 448 0148 | E-mail: sass@sheriffbfn.co.za

3. Send the completed Form and ID to : registration.IR@justice.gov.za . It should be sent by March (Now that we are late, members are encouraged to register on or before close of business on the 30th June 2021).
4. Drafting of a Privacy Policy for your records. If you have a website, it must appear on your website. Enclosed is an example.
5. Employers Policy in terms of privacy must be adapted, if you have one. If you do not have one, you should adopt one. Enclosed is an example.
6. Employees' contracts must be adapted to incorporate the POPI Act into their contracts. Enclosed is an example.
7. The appointed Information Officer must complete the illustrative letter of introduction on the official company letterhead and send it to email mentioned in 3 above.
8. You have to open a File for POPI legislation. The following must be kept inside this file :
 - 8.1. Copy of the Information Officer's appointment as well as his / her ID.
 - 8.2. Copy of the Privacy Policy.
 - 8.3. Illustrative letter of introduction. (As mentioned in point 7)
 - 8.4. Accountant's Report.

We believe this will be sufficient for now and there is also a precedent of the form that members should ask bidders to sign when registering for sheriff auctions. As alluded, these are uncharted waters and there might be more information disseminated to members in due course.

Yours faithfully

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Chairperson: SASS Legal Committee