



INFORMATION COMPLIANCE

Is not a choice - it is law



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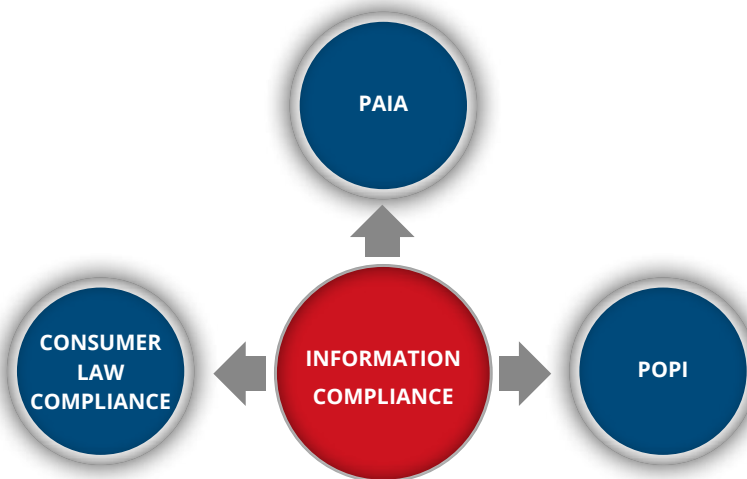
**= INFORMATION
COMPLIANCE**



SERR INFORMATION COMPLIANCE – It is not a choice, it is law

PAIA AND POPI

Access to information and the protection of certain types of personal information rights in South Africa are entrenched in the Constitution and are mainly regulated by the *Promotion of Access to Information Act (PAIA)* and the *Protection of Personal Information Act (POPI)*. All entities were required to be POPI compliant by the end of June 2021, with non-compliance exposing businesses to harsh penalties.



Every business and organisation, irrespective of their nature, have in their possession certain information that must be protected in their own interest, which includes but is not limited to:

- Business trade secrets
- Personal information of other entities or individuals, such as employees, clients, customers, etc.

Failure to comply with this legislation could have far-reaching criminal and civil implications for the organisation's head and directors. Businesses are compelled by law to compile, submit and streamline certain documents on a regular basis.

For businesses and organisations to be fully **information compliant**, they will have to assess all of the following:

- Commercial activities
- Agreements
- Employment contracts and policies
- Skills level of staff

Alignment across the total spectrum of organisational activity is therefore

essential for businesses and organisations to survive in an ever-growing and regulated technologically advanced and challenging environment.

The Coronavirus pandemic has forced many companies to allow staff to work from home. This poses significant data and information breach risks to companies and place additional compliance requirements on all business entities.

Policies developed in terms of the **PAIA and POPI** are very important legal documents and require specialised attention to withstand future legal scrutiny and fully protect the business or organisation.

These documents form the foundation of information compliance and the synergy and alignment of all documents the cornerstone of protection.

SERR Synergy assists businesses and organisations with the compilation, updating, and submission of Information Manuals as required by PAIA. We also support entities in achieving compliance with the



POPI Act through the development and implementation of policies and agreements etc.

OUR VALUE-ADDING SERVICE:
Promotion of Access to Information Act (PAIA)

- Compiling an Information Manual as required by the Act.
- Submission of the Manual to the Information Regulator.
- Providing the Manual in electronic format for publishing on the client's website.
- Registration of Information Officer with Regulator.
- Issuing of compliance certificate.
- Updating the Manual on an annual basis.
- Submitting and publishing the updates.
- Assisting with enquiries and requests in terms of the Act.
- Assisting with disputes and enforcement by the Regulator.

OUR VALUE- ADDING SERVICE:
Protection of Personal Information Act (POPI)

- Assisting the entity to comply fully with Protection of Personal Information legislation.
- Conducting a Risk Assessment Audit.
- Compiling a Risk Assessment Report.
- Providing legal compliance policies and agreements.
- Registration of Information Officer with Regulator.
- Issuing of compliance certificate.
- Annual updated audit and amendment of policy and strategic assessment reports.
- Assistance with any disputes regarding implementation of legislation.
- Assistance with any disputes or enforcement aspects by the Regulator.



CONSUMER LAW COMPLIANCE

The **Consumer Protection Act** (CPA) can be singled out as one of the most comprehensive pieces of legislation affecting businesses in South Africa.

The purpose of the Act is to protect the interests of all consumers, ensure accessible, transparent and efficient restitution for consumers who are subjected to abuse or exploitation in the marketplace and also to give effect to internationally recognised consumer rights.

The CPA has replaced five other pieces of legislation and combined all the provisions into one Act. In addition, more than a hundred other Acts are affected by the Consumer Protection Act.

The overlapping of the CPA with other legislation such as the **Electronic Communications Act** and **National**

Credit Act is exposing the average business owner in South Africa to different kinds of risk associated with these legislation.

Consumer legislation poses the following **consequences** for all suppliers in the supply chain, with serious financial implications and even closure of a business if not dealt with timeously and in the correct manner:

- Protection of consumer information.
- Forfeiture of unsolicited goods without receiving payment
- Search and seizure powers for inspectors.
- Fines of up to 10% of annual turnover.
- Liabilities and damages payable to consumers even where the supplier is not acting negligently or intentionally.
- Minimum warranties and guarantees are required.
- Illegal marketing methods are identified and prevented.
- Fixed-term agreements with consumers are regulated.



SERR SYNERGY assist businesses to comply with provisions of the:

- **Consumer Protection Act**
- **Electronic Communications Act**
- **National Credit Act.**

OUR VALUE ADDING CONSUMER LAW COMPLIANCE SERVICE:

- Advice on aligning all marketing and commercial documents and processes with relevant legislation, e.g. money-back guarantees, cooling-off periods, direct marketing, legal & information compliance.
- Assessing all agreements with suppliers to ensure compliance with Consumer Law.

- Registration with the Consumer Ombudsman (excluding payment of Registration fees).
- Compiling statutory required Complaints-Handling Manual and a public notice.
- Issuing of compliance certificate.
- Continuous advice and assistance in dealing with legal enquiries relating to the client's product or services.
- Assistance with any disputes at the Consumer Commissioner, Tribunal or Consumer Ombudsman.



CONTACT US

For more information on our range of business legal compliance services, please contact us.

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You can also find out more about our comprehensive range of product service solutions on our website www.serr.co.za



"A service to many leads to greatness"