



POPI COMPLAINTS RESOLUTION PROCEDURE

1 INTRODUCTION

The POPI Act deals with complaints in some length under chapter 10 (Enforcement).

In terms of section 74, any person may submit a complaint to the Regulator in the prescribed manner and form alleging interference with the protection of the personal information of a data. A complaint to the Regulator must be made in writing.

If an Information Supplier, Responsible Party or Data Subject feels that PURQ has acted outside of the requirements of POPI or in terms of the conditions by which PURQ had processed a Data Subjects' Personal Information, we would like to invite such a person to address their complaint to us in writing at the details below. A copy of our complaints resolution process is available on request.

2 TO DETERMINE IF IT IS A POPI COMPLAINT

If an Information Supplier (Educational Institution), Responsible Party (Corporate Data User) or Data Subject (Student) alleges that PURQ or its representatives:

1. Were not authorised to process an individual's personal information
2. Have processed, shared or otherwise dealt with personal information outside of terms agreed with that party
3. Have otherwise contravened or failed to comply with any provision of the POPI Act

It should be treated as a POPI Compliant. The person or institution lodging the complaint is hereinafter referred to as "the complainant".

3 INTERNAL COMPLAINT RESOLUTION PROCEDURE

- 3.1 If a complaint against PURQ is not in writing, PURQ must request the complainant to lodge the complaint in writing and to provide the necessary supporting documentation,
- 3.2 The INFORMATION OFFICER will receive the written complaint and supporting documentation,
- 3.3 Compliance will log the date and contents of the complaint in the Complaints Register. This record must be maintained for a period of five years.
- 3.4 The INFORMATION OFFICER will appoint a relevant staff member/s to investigate the complaint,
- 3.5 The INFORMATION OFFICER will acknowledge receipt of the complaint in writing within 3 business days of receipt, and give the complainant the name and contact details of the staff member/s responsible for the resolution of the complaint,
- 3.6 The relevant internal department or staff member/s and any other resources or manpower, will investigate the complaint to ascertain whether the complaint can be resolved immediately,
- 3.7 If the complaint is of a serious nature, the complaint will be handled and investigated by the INFORMATION OFFICER or any other senior staff / executive management,
- 3.8 If the complaint can be resolved immediately, the relevant staff member/s will take the necessary action and advise the complainant accordingly,
- 3.9 If the complaint cannot be resolved immediately, compliance will send the complainant a written summary of the steps to be taken to resolve the matter and the expected date of resolution,
- 3.10 If unable to resolve the complaint within 3 weeks of logging the complaint in the Complaints Register, compliance will notify the complainant by means of a written acknowledgement. This must outline the current status of the complaint and the expected date of final resolution,
- 3.11 If unable to resolve the complaint within a further 3 weeks of the written acknowledgement (6 weeks since complaint was logged), compliance will notify the complainant, giving full written

- 3.12 Reasons as to why the outcome was not favourable, and advise the complainant of their right to seek legal redress by referring the complaint to the Information Regulator
- 3.13 The notification must clearly indicate that the complainant may refer the matter to the Information Regulator. The Information Regulator's address and other contact details must be provided to the complainant,
- 3.14 The relevant internal department or staff member/s investigating the complaint must keep the INFORMATION OFFICER and compliance up to date with the investigation,
- 3.15 As soon as compliance receives any updates, developments and activities regarding the complaint, they must update the Complaints Register with all developments and activities.

4 COMPLAINTS PROCESS FLOW

- 4.1 Complainant lodges a complaint with a PURQ staff member;
- 4.2 If complaint is not in writing, PURQ to request that the complaint be in writing and to be submitted along with the necessary supporting documentation;
- 4.3 Complaint received by staff member and handed to INFORMATION OFFICER. Complaint is validated and logged on Complaints Register;
- 4.4 INFORMATION OFFICER acknowledge receipt of complaint in writing within 3 business days;
- 4.5 Complaint is assigned to a staff member by INFORMATION OFFICER / Compliance and investigated;
- 4.6 Resolve the complaint immediately or take the necessary action and advise the complainant of steps taken and expected date of resolution;
- 4.7 Compliance updates the Complaints Register with all developments/ activities;
- 4.8 Compliance to inform complainant in writing of the resolution of the complaint and the outcome;
- 4.9 INFORMATION OFFICER / Compliance to notify the complainant if complaint is not resolved within 3 weeks - advise complainant on status of the complaint;

4.10 INFORMATION OFFICER / Compliance to notify the complainant of final outcome. This must be within 6 weeks of receiving the complaint.

4.11 INFORMATION OFFICER / Compliance to advise complainant of other options if complaint could not be resolved eg Information Regulator.

5 Information Regulator

The Information Regulator's contact details are as follows:

SALU Building,
316 Thabo Sehume Street,
PRETORIA

Tel: 012 406 4818

Fax: 086 500 3351

infoereg@justice.gov.za