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USAf has adopted a Code of Conduct re: POPIA as a guide to universities

Background

On 22 June 2020, President Ramaphosa announced that the lion's share of POPIA will come into effect on 1 July 2020. Organisations have one year from this date to become compliant. This means that South African universities will have to be compliant by 30 June 2021.

Rationale

Section 60 of the POPIA allows an industry to issue a Code of Conduct which must apply the principles of the POPIA to that industry. Such a Code for public universities was commissioned by USAf in 2018. The decision was motivated by the desire to:

- optimise how personal information is used in the Higher Education Industry (HEI),
- increase the level of the protection of privacy and level of compliance,
- ensure uniform and industry-appropriate implementation of the POPIA, and
- to align the IR and the HEI's approach to information governance

In July and August 2019, USAf held national consultative workshops with Registrars, IT Directors, Research Directors and other relevant stakeholders. During these workshops, the view was taken that the Higher Education Industry (HEI) should adopt the Code of Conduct as a guideline. This decision was confirmed by the USAf Board at its meeting on 24 October 2019. Now that we know that Section 60 is coming into force on 30 June 2021, USAf will start a stakeholder engagement process to review the Code and to decide whether or not to apply for accreditation.

Scope of Application

In this interim period, the Code of Conduct will function as a **guideline**. Keep in mind that a guideline is different from rules in that it is not absolute; **it indicates what public universities should do, not what they must do**. However, as the POPIA is based on a reasonableness standard, the Regulator may consider deviations from the Code of Conduct as an indication of unreasonable behaviour once the POPIA comes into force.

The final version of the guide is attached hereto.

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