

Broaden your focus from big data to the data implications of POPI

 By [Leigh Andrews](#)

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So much has already been said about POPI, the Protection of Personal Information Act, but so much of that has led to confusion. Danny Aaron, director of 3Way Marketing, explains...

Big data's the current buzzword, but more important for marketers than how we interpret data to generate effective business leads should be how that all-important data is accessed and stored in the first place. Especially as one of the implications of POPI is that you could face jail time or huge corporate fines to the tune of R10m for doing so incorrectly.

Aaron clears some of the misconceptions...

■ 1. *What exactly is POPI?*

Aaron: POPI is a law not just about consent but about data in general. It doesn't just have implications for our industry, either. For example, if you're a satellite TV subscriber, it will affect how the company stores your information. At its core there are eight pillars: Companies must abide by POPI; personal information may only be processed in a fair and lawful manner and must ensure that personal information is only processed for specific, explicitly defined and legitimate reasons relating to the functions or activities of the company; further processing of personal information must be compatible with purpose of collection, unless the data subject has consented to such further processing; companies must maintain the quality of the personal information in terms of ensuring that it is reliable, accurate, up-to-date and relevant to the purposes for which it was collected; data subjects must also be aware of the specific personal information held about them; all personal information should be kept secure against the risk of loss, unauthorised access, interference, modification, destruction or disclosure; and data subjects have the right to access and/or request the correction or deletion of any personal information held about them that may be inaccurate, misleading or outdated.

■ 2. *Sounds easy enough to interpret. We've been hearing about it for years, when is it finally implemented and what are the deadlines we need to keep in mind?*

Aaron: While we've been hearing about POPI for years already, nothing will happen until an [information regulator](#) is appointed and regulations are published. The last rumour was that this will happen in the next three years. After that, the President will proclaim a commencement date, after which it would be followed by a one- to three-year grace period. So there's no need to panic just yet, but you do need to start making sure your data collection and storage processes pass muster - no-one can actually talk with any confidence about deadlines at this stage.

The reality, for marketers, comes down to how you store the data, which boils down to consent. The current Consumer Protection Act or CPA says you can market to anyone, provided the following requirements are met:

1. That you have given the consumer the option to opt-out of the communication;
2. That if the consumer does elect to opt-out, he or she is not contacted again;
3. That you do not communicate with consumers afterhours; and
4. That you adhere to the [National Opt-out Database](#) 'Do Not Contact' list, once established.

Before POPI comes into place, you need to ensure any communication campaign complies with these points.

■ 3. What are the potential legal impacts for the direct marketing sector and consumers alike?

Aaron: Direct marketing is based on databases. Under the CPA, the penalties are less stringent provided you buy your lists from reputable sources. Under POPI, it must as a general rule all be consent-driven.

This means that if you send out a message and consumers opt-in to receive further information from you, you may continue. If not, you simply may not. As a business, opt-ins are easily achieved through subscribe options. 3Way Marketing, as an example, operated a 150-seat call centre, with voice opt-in. We run campaigns and competitions, in order to get consumers to fill out a form that gives us permission to contact them, such as on the [JustPlay website](#). We run roughly 20,000 surveys per day, all are opt-in.

POPI deals (among other things) with electronic communication and will affect campaigns run through mobile, websites and email, but will be less strict on call centres.



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■ 4. Will this be the end of cold-calling?

Aaron: Most definitely not. Direct marketing happens worldwide, in many countries that have had data protection laws in place for decades. Direct marketing is a legitimate avenue that organisations can utilise to find new customers. As long as you follow several simple policies, you'll be in the all-clear.

3Way Marketing has spent a few years and many hundreds of thousands of rands on POPI. It has also partnered with law firms and provides advice on the topic to interested parties in a handy '3way POPI Q&A guide', which can be found on www.3waymarketing.co.za/popi/.

[Click here](#) for more tips on fast, easy POPI compliance, and you can download a free ebook called *Protection of Personal Information Made Easy*, by Camargue, [by clicking here](#).

ABOUT LEIGH ANDREWS

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