



18 October 2024

## NOTICE TO MEMBERS

Dear Sir/Madam

### RE: POPIA & OFFICE PARKS

1. During the past week, media reports have surfaced that the Information Regulator, charged with overseeing, amongst others, enforcement of the Protection of Personal Information Act, 4 of 2013 (“*POPIA*”) intends looking into the practice of security officers at gated office parks, residential estates, and the like, of scanning visitors’ driver’s license cards prior to admission to the property. It was reported that the Chair of the Information Regulator was of the view that such a practice might be in breach of POPIA. In light of these reports, SAPOA has deemed it prudent to send out this notice to members to clarify some of the applicable principles.
2. It is indeed so that the receipt and collection of information stored on a person’s driving license card constitutes the processing of personal information as defined in section 1 of POPIA. Section 10 of POPIA sets out the principle of minimality, which provides that personal information may only be processed to the extent relevant and necessary, subject to the other provisions of POPIA. Section 11 states that processing may only be done where it is necessary for pursuing the legitimate interests of the responsible party.
3. It is submitted that the owner, managing agent, security service provider and occupants of an office park have a legitimate interest in ensuring the safety of the office park or residential estate, which includes proper access control. It is self-evident that the mere asking of a person to write down the person’s name and registration number on a register, without properly controlling the correctness of the information provided, does not comply with the principles of good access control. It therefore makes practical sense to at least verify the details provided against, for example, a driver’s license card.
4. According to the media reports, the Chair of the Information Regulator indicated that the Information Regulator will consider publishing regulations on how the security sector may process personal information, specifically relating to office parks and gated communities. At this stage, the process for publishing such regulations has not yet commenced. In any event, the

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**South Africa** – WeWork Offices • The Link • 173 Oxford Road • Rosebank • Johannesburg

PO Box 78544 • Sandton • 2146 • Tel: +27 11 883 0679 • Email: [reception@sapoa.org.za](mailto:reception@sapoa.org.za) • Website: [www.sapoa.org.za](http://www.sapoa.org.za)



process will require public consultation, at which time SAPOA intends submitting comment on behalf of the industry, for which the industry's input will be sought.

5. At the present time, SAPOA encourages its members to comply with all applicable legislation, including POPIA. Should you have any questions on the foregoing, you are welcome to send it to [ceo@sapoa.org.za](mailto:ceo@sapoa.org.za).

Kind regards

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**Chief Executive Officer**