

Chapter 8

Implementation of Protection of Personal Information Act No. 4 of 2013 of South Africa by Comparing Universities of Venda and Witwatersrand

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ABSTRACT

Protection of personal information and access to universities' records requires the establishment of a records management division to handle personal information. Yet little attention has been focused on the roles and responsibilities of records management professionals, who enable the management of personal information. The purpose of this chapter is to assess and compare the current state of the implementation of the Protection of Personal Information Act No 4 of 2013 in two South African universities, namely the University of Venda and the University of Witwatersrand. The chapter used a qualitative research approach. Secondary data were derived from a literature search and primary data from interviews. Despite the enactment of the act, privacy breaches continued to increase due to the ineffective records management division dedicated to the management of personal information. Universities are to strengthen their internal process on personal information to comply with the General Data Protection Regulations (GDPR).

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INTRODUCTION

Implementing the Protection of Personal Information Act of 2013 is essential to implementing an effective records management program. Universities were assessed on the effectiveness of the records management division on the provision of access to personal information. An assessment conducted at universities found a lack of records management programs to provide efficient and effective delivery to minimize litigation risks, promote accountability and transparency, and ensure compliance with POPIA, and support informed decision making (Netshakhuma 2021). This chapter aims to address access to personal information by presenting an in-depth of the literature surrounding the topic. The study gap is that the universities lack an effective record management program to provide efficient and effective information delivery. The research question is how a lack of records management programs affects the provision of information in compliance with the Protection of Personal Information Act of 2013. The General Data Protection Regulation (GDPR) has implications for universities on processing personal information from other countries such as European countries. The assessment was achieved by comparing the level of implementation by the University of Venda (UNIVEN) and the University of Witwatersrand (WITS).

BACKGROUND

South African government enacted the Protection of Personal Information Act No. 4 of 2013 that restricts the disclosure of personal and confidential information. The Protection of Personal Information Act (POPIA) 2013 was promulgated in November 2013. The government enacted the Act to control the collection, use, and sharing of information to protect the privacy of individuals identified by the university system. The POPIA compels South Africa's public universities to establish proper processes and procedures for implementation (Netshakhuma, 2019a). POPIA ensured that private and personal information is protected and prevent inappropriate disclosure of information that could harm institution or infringe the privacy rights of individuals. The Act regulates the processing of personal information by public and private organizations in South Africa. It is expected that enactment of the POPIA will contribute to transparency, promotion of individual rights, improve compliance with POPIA by ensuring that organizations adhere to the requirement of the Act.

Legislation is a factors that guide access to records (Nengomasha & Nyanga, 2015). This means that institutions are to meet legal requirements to manage personal records and provide accurate, relevant, and complete information (Cheng, 2018). The legislation provides guidelines on how to access information held by the state. Such information includes personal social media (Netshakhuma, 2019d and 2019e). Managing personal records by universities protects their interest and stakeholders.

This study adopted multiple case study research and cases were compared. The case provides an opportunity to reflect upon the capacity of current records management programs from both universities. Multiple case studies were chosen because the researcher was able to assess the level of adoption of POPIA. The case study enabled the researcher to understand the readiness of UNIVEN and WITS on the implementation of POPIA. The study focused on these universities because in one way or another they contributed and participated in the national universities' POPIA consultative meeting on the development of the protection of personal information code of conduct of universities. The other reason for choosing only these universities is because WITS represents the previously advantaged universities

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