



# LIMPOPO

PROVINCIAL GOVERNMENT  
REPUBLIC OF SOUTH AFRICA

OFFICE OF  
**THE PREMIER**

## **LPREC POPIA GUIDELINE FOR RESEARCHERS**

### **POPIA Code of Conduct for Research**

The *Protection of Personal Information Act* (POPIA or the Act), No. 4 of 2013, applies to research activities that involve identifiable personal information or organisation. The Act has implications for all research activities that involve the collection, processing, and storage of personal information. POPIA provides for the development of Codes of Conduct to guide the interpretation of the Act with respect to a particular sector or class of information. In terms of POPIA, LPREC are required to consider the impact that research has on participants rights to privacy.

### **Background to POPIA**

POPIA provides for the lawful processing of personal information in South Africa. It sets out the roles for various parties involved in the processing (including collection, use, transfer, matching and storage) of personal information.

- (a) The 'Responsible Party', which – in this case – is the researcher (Principal Investigator) or research institution responsible for determining why and how the personal information is being processed.
- (b) The 'Operator' – a third party contracted by the responsible party to process personal information on their behalf.
- (c) An 'Information Officer' who is the designated individual within an institution responsible for ensuring compliance with POPIA; and

(d) the 'Data Subject' who is the person whose information is being processed and, in the case of research, would be the 'study/research participant'.

**DATA SHARING AND RE-USE UNDER POPIA LPREC PROMOTES THE FOLLOWING PRINCIPLES**

<b>DE-IDENTIFY WHEN POSSIBLE</b>	<b>COLLECT AS LITTLE AS POSSIBLE</b>	<b>BE TRANSPARENT</b>	<b>KEEP INFORMATION SAFE</b>
Store the personal information of research participants in an unidentifiable format.	Make sure the personal information you collect is relevant to your project.	Ensure research participants are well informed about the purpose of the research and how you are using their personal information. Make sure that your fellow researchers are aware of privacy risk of participants.	Always safeguard your research against unauthorised access, use, loss or destruction.

**The Act Outlines Eight (8) Conditions For The Lawful Processing Of Personal Information, All Of Which Must Be Fulfilled For Such Processing To Be Lawful. These Conditions Are:**

- (a) **Accountability:** the responsible party must ensure that all the conditions for the lawful processing of personal information laid out in POPIA are complied with at the time of the determination of the purpose of processing and during processing (Section 8).
- (b) **Process limitation:** the responsible party must ensure there is a lawful basis for the processing of personal information; that such processing is necessary for a defined purpose and could not be achieved without processing such personal information; and that the information is collected directly from the data subject and with informed consent (Sections 9–12).

- (c) **Purpose specification:** the collection and processing of personal information must be for a defined purpose; records should not be retained longer than is necessary and must be deleted or destroyed after the purpose for collection and processing has been fulfilled. The retention of records containing personal information is allowed for research purposes where there is a specifically defined need to retain such information and where further relevant safeguards are in place (Sections 13–14).
- (d) **Further processing limitation:** further processing of personal information is permitted where such information is used for research, and only research, purposes (Section 15).
- (e) **Information quality:** personal information collected and stored must be accurate, up to date, complete and not misleading (Section 16).
- (f) **Openness:** responsible parties must maintain a record of all processing of personal information. The data subject must be informed regarding why the information was collected, who collected it and where it is being held, what rights the data subject has to access and delete/correct the data, and if the data will be transferred to a third party and/or internationally during the processing. It is not necessary to inform the data subject of the above if their information is being processed only for research purposes (Sections 17–18).
- (g) **Security safeguards:** responsible parties must ensure that personal information is kept secure to maintain confidentiality and integrity, and to prevent data breaches. Any security breaches must be reported to the Information Regulator (Sections 19–22).

APPROVED BY:



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MR. N.S NCHABELENG

DIRECTOR GENERAL



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DATE