



Strategic Plan

2022/2023 to 2026/27



**INFORMATION
REGULATOR
(SOUTH AFRICA)**

*Ensuring protection of your personal information
and effective access to information*

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ABBREVIATIONS

AG- Auditor -General

AOP- Annual Operational Plan

APP-Annual Performance Plan

BASA- Banking Association of South Africa

CBA- Credit Bureau Association

DA – Democratic Alliance

EAs- Excellence Awards

HR- Human Resources

ICT- Information and Communication Technology

IO-Information Officer

KZN- KwaZulu- Natal

MMA- Media Monitoring Africa

MTEF- Medium-Term Expenditure Framework

MTSF-Medium Term Strategic Framework

PAIA- Promotion of Access to Information Act

PESTEL- Political, Economic, Social, Technological, Environmental and Legal

PFMA – Public Finance Management Act

POPIA – Protection of Personal Information Act

PP- Public Protector

PPP- Public Private Partnership

SASSA- South African Social Security Agency

SP- Strategic Plan

TAA-Tax Administration Act

TID- Technical Indicator Description

FOREWORD BY CHAIRPERSON

The year 2024/25 marks a midpoint in the implementation of the Information Regulator's (Regulator) five (5) year strategy adopted in the financial year 2022/23. Rightfully, it is a moment to reflect on what has been achieved halfway through the period and to chart new paths and redouble our efforts in ensuring that *“all persons are empowered to assert their rights to privacy as it relates to the protection of personal information) and access to information”*.

It is also a momentous year because the Regulator will be implementing its strategy within the context of the seventh general elections that are scheduled to take place on the 29 May 2024. General elections are a key milestone in our democratic dispensation, and each occasion of the elections is to be celebrated as a signpost in the maturation of our democracy. However, elections also require the Regulator to be extra vigilant about the conduct of electoral role-players in terms of the promotion of access to information and protection of personal information.

With the forthcoming general elections, the Regulator has two (2) primary concerns:

- the handling of personal information of the voters by political parties and other role-players in the electoral process, and
- the phenomenon of misinformation and disinformation which disrupts the free flow of credible, reliable, and accurate information necessary for making an informed choice, especially during the elections.

In terms of the Protection of Personal Information Act No 4 of 2013 (POPIA), political parties are responsible parties and, therefore, must comply with the provisions of POPIA. This is more so when political parties include in their campaigns the usage of tools such as robocalls, e-mail campaigns, SMS campaigns and social media messaging.

In terms of promoting access to information and being mindful that the Regulator is the institutional home of the right of access to information, we prioritise the free flow of information, which is an essential component of a democratic system. For members of the public to exercise agency as voters in a democratic system, they need complete, accurate and reliable information about the electoral process and options available to them when they cast their vote.

The Regulator will therefore, work with like-minded public institutions and other role players to ensure that personal information is protected and access to information is promoted during

the electoral period. The Annual Performance Plan (APP) for the financial year 2024/25 will reflect this strategic concern.

Some of our key areas of work in the 2024/25 financial year will be the following:

- redoubling our efforts to ensure that both POPIA and the Promotion of Access to Information Act 2 of 2000 (PAIA) complaints, simple and complex, are received, investigated, and completed within the prescribed timeframes.
- promoting access to information during the elections by launching the results of our PAIA compliance monitoring exercises conducted on political parties.
- updating and relaunching the Regulator's *"Guidance Note on the Processing of Personal Information of a Voter by a Political Party in terms of POPIA"*.
- intensifying our work in assessing the compliance of public and private bodies with PAIA and the compliance of responsible parties with POPIA.
- responding to the ever-present need for capacity building in PAIA and POPIA compliance by increasing the number of education programmes on both laws from eighteen (18) in the 2023/24 financial year to twenty-eight (28) in the 2024/25 financial year.
- continuing to take the Regulator to the people through our public awareness programmes and the *Dikopano* sessions.
- approving, gazetting and tabling the section 112(2)(c) of POPIA draft regulations which will provide for the processing of health information by certain responsible parties as referred to in section 32(6) of POPIA. The responsible parties referred to include insurance companies, medical schemes, administrative bodies, and pension funds, to name but a few.
- responding to the increase in the number of matters that are brought to the Enforcement Committee (which we established in 2022) by introducing mechanisms to improve the efficiency of processes of the Enforcement Committee.

The Regulator will implement these initiatives in the context of challenging funding conditions. As a result of fiscal constraints faced by the State, the Regulator's budget for the 2024/25 financial year will grow modestly by 1% per cent from R109 million in the financial year 2023/24 to R110 million in the financial year 2024/25. Despite this minimal growth of the budget, there will be a reduction in the budget item for Goods and Services, which means that we will have

fewer resources with which to pursue our legislative mandate. Interventions that have to be introduced to respond to fiscal constraints may have an impact on reducing the momentum and growth trajectory that the Regulator has established since the coming into effect of the enforcement provisions of POPIA in July 2021. However, the Regulator is ably led by the Members and the Chief Executive Officer, who are well placed to ensure that it holds steadfast in delivering on its mandate despite uncertainties brought by the elections and a challenging funding environment.

Adv Pansy Tlakula

Chairperson: Information Regulator

STATEMENT BY THE CHIEF EXECUTIVE OFFICER

The 2024/2025 financial year represents the third year of the implementation of the Strategic Plan (SP) 2022-2027. The Regulator held its organisational strategic and resources planning session in January 2024 which was organised to ensure that planning is conducted considering available resources. The development of processes and policies will continue in the 2024/2025 financial year to enable the Regulator to increase its efficiency of the delivery on its dual mandate (POPIA & PAIA).

June 2024 will represent the mid-term of the Regulator's second five (5) year term. To this end, a mid-term review session will be conducted to measure progress regarding the implementation of the outcomes set in the five (5) year strategic plan and the Vision 2026. A mid-term report will be prepared to account for the two and a-half years of delivery the mandate of the Regulator on the current strategic period.

Like all institutions of the state, the Regulator is facing the spectre of budget cuts over the next two (2) financial years and therefore the delivery of its mandate will be carried out under an environment of difficult financial constraints. It is, therefore, the intention of the Regulator to intensify the solicitation of funding from donors while taking care not to compromise its powers, duties and independence as set out in the POPIA and PAIA.

The stakeholder engagements and taking the Regulator's services to disadvantaged communities remains crucial and will continue in 2024/25 financial year.

The Medium-Term Expenditure Framework (MTEF) budget is included as part of this APP. The Annual Operational Plan (AOP) which details the activities planned to achieve the indicators will be finalised at the end of the 2023/2024 financial year in order to be implemented from 01 April 2024.

In order to strengthen the monitoring of both the APP and the AOP, the Quarterly Review sessions on Combined Assurance and the Values, the Quarterly Review sessions will continue. Despite the difficult funding conditions the Regulator will strive to improve on its performance which has been recorded in the previous financial years.

Mr Mosalanyane Mosala

Chief Executive Officer

PART A: OUR MANDATE

1. Constitutional Mandate

- 1.1. The Regulator was established to ensure respect for, and to protect, enforce and fulfil, the right to privacy and the right of access to information.

2. Legislative Mandate

- 2.1 The core functions in terms of POPIA are:

2.1.1 To provide education by:

- a) Promoting an understanding and acceptance of the lawful processing of personal information.
- b) Undertaking educational programmes.
- c) Making public statements; and
- d) Providing advice.

2.1.2 To monitor and enforce compliance by:

- a) Public and private bodies.
- b) Undertaking research and monitoring developments in information processing and computer technology.
- c) Examining proposed legislation, subordinate legislation, and policies, and provide a report on the results of the examination to the Minister and to Parliament.
- d) Reporting to Parliament on policy matters affecting the protection of personal information including the need for legislative, administrative or other measures to enhance the protection of personal information.
- e) Conducting assessments in respect of the processing of personal information.
- f) Monitoring the use of unique identifiers and reporting to Parliament.
- g) Maintaining and publishing copies of the registers prescribed in POPIA; and
- h) Examining proposed legislation that makes provision for the collection and disclosure of personal information and provide the report of the results of the examination to the Minister.

2.1.3 To consult with interested parties by:

- a) Inviting and receiving representations.

- b) Co-operating on a national and international basis with other bodies concerned with the protection of personal information; and
- c) Acting as a mediator between opposing parties.

2.1.4 To handle complaints by:

- a) Receiving and investigating complaints.
- b) Gathering information.
- c) Attempting to resolve complaints through dispute resolution mechanisms; and
- d) Serving notices.

2.1.5 To conduct research on:

- a) The desirability of acceptance of international instruments relating to the protection of personal information,
- b) Any other matter that should be drawn to parliament's attention.

2.1.6 In respect of codes of conduct to:

- a) Issue, amend or revoke codes of conduct.
- b) Make guidelines to assist bodies to develop or apply codes of conduct; and
- c) Consider determinations by adjudicators under approved codes of conduct.

2.1.7 The Regulator is mandated to facilitate cross border cooperation in the enforcement of the privacy laws.

2.2 The core functions in terms of PAIA are:

2.2.1 In respect of complaints to:

- a) Consider a complaint after the internal appeal procedures have been exhausted; and
- b) Receive written complaints or to provide assistance to a person who wishes to make a complaint in writing.

2.2.2 In respect of investigations to:

- a) Investigate complaints and in the course of an investigation, serve an information notice to the information officer or head of a private body.
- b) Refer a complaint to the enforcement committee; or
- c) Decide to take no action on the complaint; or
- d) Attempt to settle a complaint through conciliation; and

- e) Issue enforcement notices after considering the recommendation of the enforcement committee.

2.3 The Regulator is also mandated in terms of PAIA to,

2.3.1 To issue notices, and

2.3.2 To make assessments on whether public and private bodies comply with the provision of PAIA.

2.3.3 In respect of additional functions to:

- a) Compile and make available a guide in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- b) The extent that financial and other resources are available-
 - (i) develop and conduct educational programmes, in particular for disadvantaged communities, on how to exercise the rights contemplated in this Act.
 - (ii) encourage public and private bodies to participate in the development and conduct of educational programmes, and to undertake such programmes themselves.
 - (iii) promote timely and effective dissemination of accurate information by public bodies about their activities.
- c) Identify gaps in PAIA or any other laws and make recommendations to reform or amend PAIA or any other laws.
- d) Make recommendations for –
 - (i) the development, improvement, modernisation, reform or amendment of PAIA or other legislation or common law having a bearing on access to information held by public and private bodies, respectively; and
 - (ii) procedures on how private and public bodies make information electronically available.
- e) Monitor implementation of PAIA.
- f) If reasonably possible, on request, assist any person wishing to exercise a right of access to information under PAIA.
- g) Train information officers and deputy information officers.
- h) Recommend to a public or private body to make changes in the manner in which it administers PAIA, as the Regulator considers advisable.

- i) Consult with and receive reports from, public and private bodies on problems encountered in complying with PAIA.
- j) Obtain advice from, consult with, and consider proposals or recommendations from parties in connection with the Regulator's functions.
- k) Request the Public Protector to submit to the Regulator a report on the number of complaints processed relating to PAIA and the nature and outcome of those complaints; and
- l) Enquire into any matter including any legislation, the common law, any practice and procedure related to the objects of PAIA.
- m) Submit, in its annual reports to the National Assembly, information contemplated in section 84 of PAIA.

3. Institutional Policies and Strategies over the Five -Year Planning Period

- 3.1 In order to strengthen the work of the Regulator, a Readiness and Separation Project Plan is being implemented. This project plan identifies all the institutional policies and the separation activities which must be completed during the five-year planning period.

4. Relevant Court cases

Case	Legislation Challenged/issues dealt with	Relevance/significance	Actions to be taken
<p>1. Sakeliga NPC v Auditor-General South Africa [2023] ZAGPPHC 501; 36297/2022 (30 June 2023) (Regulator not a party)</p>	<p>1.1. PAIA application to records (management reports).</p> <p>1.2. Auditor General (AG) refused access to management reports, relying on section 44 (1) (a) (i) of PAIA.</p> <p>1.3. PAIA amended to include s77A-K, no appeal mechanism – requester may approach the Regulator directly.</p> <p>1.4. Exhaust Internal remedies (s78 (1) Application dismissed.</p>	<p>Interpretation of section 77 A (2)“May” – discretion</p> <p>Once a requester is aggrieved – it may choose not to pursue the matter – if it does pursue the matter, it must approach the Regulator.</p>	<p>Section 10 of PAIA obliges the Regulator to provide a guide to the way a person's rights in terms of PAIA must be exercised.</p>
<p>2. Mani v The Information Officer Mintek and Another (26728/2019) [2021] ZAGPJHC 430 (the Regulator not a party)</p>	<p>2.1. Application in terms of PAIA to seek access to information to protect her right to dignity.</p>	<p>Section 23 defence – the information is not available.</p> <p>For Defence in terms of section 23 to be successful there must be sufficient and detailed information.</p>	<p>None</p>

Case	Legislation Challenged/issues dealt with	Relevance/significance	Actions to be taken
	<p>2.2. Information Officer (IO) - must provide information within prescribed time frames.</p> <p>2.3. Non-response – deemed refusal</p>		
<p>3. Black Sash Trust v Minister of Social Development and Others (Freedom Under Law NPC Intervening); 2017 (5) BCLR 543 (CC); 2017 (3) SA 335 (CC) (Regulator a party)</p>	<p>3.1. Applicant sought an order that South African Social Security Agency (SASSA) must file a report and state how are they going to deal with the interim contract with Cash Payment System (CPS) in relation to the payment of social grants.</p> <p>3.2. CPS must negotiate the contract in reasonable terms.</p> <p>3.3. The contract must contain security safeguards to protect personal data of social grant beneficiaries and such information may not be used for any other purposes other than to pay grants.</p> <p>3.4. Such information should be returned to SASSA.</p>	<p>The court ordered that SASSA and CPS are under the constitutional duty to make sure that social grants are paid.</p> <p>The Minister of Social Development and SASSA must file reports setting out the plans to pay social grants.</p> <p>The contract by SASSA and CPS must have safeguards to ensure that personal information of social grant beneficiaries is kept private.</p>	<p>Contract to include safeguard measures to secure the privacy of personal information of social grants beneficiaries.</p> <p>No action for the Regulator.</p>

Case	Legislation Challenged/issues dealt with	Relevance/significance	Actions to be taken
<p>4. Arena Holdings (Pty) Ltd t/a Financial Mail and Others v South African Revenue Service and Others 2023 (5) SA 319 (CC) (Regulator a party)</p>	<p>4.1. PAIA application for the tax records of the former President, Mr. Jacob Zuma.</p> <p>4.2. South African Revenue Services (SARS) refused to grant access and relied on sections 34 (1) and 35 (1) of PAIA and 69 (1) of Tax Administration Act (TAA).</p> <p>4.3. Applicant lodged the application and sought a declaration that PAIA and the TAA were unconstitutional to the extent that they did not permit access to a taxpayer's tax information under PAIA by a requester other than the taxpayer concerned, even if it was clearly in the public interest that this information should be disclosed.</p> <p>4.4. Reading-in relief that would extend the limited public-interest exception in s 46 of PAIA.</p>	<p>The Constitutional Court confirmed the order of the High Court to declare the provisions of sections 35 and 46 of PAIA and 67 and 69 of TAA unconstitutional.</p> <p>The matter is relevant because of the interpretation of the PAIA provisions.</p>	<p>The Parliament must amend section 35 and 46 of PAIA and 67 and 69 of TAA.</p> <p>The Regulator must track the progress of this.</p>

Case	Legislation Challenged/issues dealt with	Relevance/significance	Actions to be taken
	4.5. An order granting access to Mr Zuma's tax records.		
5. Economic Freedom Fighters v Ramaphosa and Others 2021 ZAGPPHC 457 (Regulator a party)	<p>5.1. The applicant brought an application to uplift a direction to seal Finance Intelligence Centre (FIC) documents that were filed by FIC in a review application that was brought by the first respondent against the report of the Public Protector (PP).</p> <p>5.2. Court: once the record was sealed it no longer formed part of the court record and therefore the applicant's argument was that it was unable to bring its application in terms of PAIA, must be rejected.</p>	The application dealt with open justice – access to the court records.	None.
6. Schreiber and Another v African National Congress 2023 ZAGPJHC 78 (Regulator not a party)	<p>6.1. The applicant sought an order declaring the refusal to grant access to information invalid and set aside.</p> <p>6.2. The respondent argued that the applicant did not follow the proper procedure in terms of section 53 of PAIA, and the court had to</p>	<p>Interpretation of section 78 of PAIA is determined with regard to internal remedies being exhausted before approaching the court.</p> <p>Whether can parties bypass the Regulator and approach the court directly without</p>	<p>The respondent to grant access to the information.</p> <p>No action to be taken by the Regulator.</p>

Case	Legislation Challenged/issues dealt with	Relevance/significance	Actions to be taken
	<p>also decide if the information was required in terms of section 50(1)(a) of PAIA.</p> <p>6.3. The court held that the respondent's decision to deny access to the information was unlawful and invalid and the applicant was granted access to the information.</p>	<p>having exhausted their complaint procedures and other internal appeals.</p> <p>The Democratic Alliance (DA) failed to follow the PAIA prerequisite steps in order to rely on the right to approach a court for relief, and thus failed to lay a basis for its right to be an applicant in this matter as it never qualified as a 'requester' in terms of s 78(1) of PAIA.</p>	
<p>7. Smuts N.O. and Others v Member of the Executive Council: Eastern Cape Department of Economic Development Environmental Affairs and Tourism and Others 2022 ZAECKMHC 4 (Regulator not a party)</p>	<p>7.1. An application was made to provide access to all applications received and permits issued by the Department to trap, kill, hunt or translocate any leopards in or from the Eastern Cape from 2017 to 3 December 2019.</p> <p>7.2. Application was made in terms of section 18 of PAIA and was refused, appeal was also refused on the grounds of section 34 of PAIA.</p> <p>7.3. Application in Court was made in terms of section 78 of PAIA.</p>	<p>Court canvassed the balance between right of access to information and right to privacy. Interpreted provisions of PAIA- when interpreting PAIA, courts must prefer any reasonable interpretation of a provision that is consistent with the objects of this Act over any inconsistent alternative interpretation.</p> <p>Court gave interpretation of sections 46 of PAIA in relation to public interest.</p> <p>The court also dealt with the 8 conditions for lawful processing personal information – particularly section 11 of POPIA.</p>	<p>Respondent must grant the access to information.</p> <p>No action to be taken by the Regulator.</p>

Case	Legislation Challenged/issues dealt with	Relevance/significance	Actions to be taken
	7.4. Decision to refuse access to information was reviewed and set aside.		

PART B: OUR STRATEGIC FOCUS

5. Vision

A world-class institution in the protection of personal information and the promotion of access to information.

6. Mission

An independent institution which regulates the processing of personal information and the promotion of access to information in accordance with the Constitution and the law to protect the rights of everyone.

7. Values

The Regulator is committed to the values of transparency, accountability, integrity, excellence, impartiality, and responsiveness in each of these dimensions as follows:

7.1.1. Transparency

We are open about our processes and decisions that affect members of the public and the Regulator.

7.1.2. Accountability

We take accountability by owning the decisions we make, using work resources responsibly and appropriately; sharing, and disclosing information as intended in accordance with POPIA and PAIA.

7.1.3 Integrity

We act honestly, openly, and consultatively in the performance of our work and use our positions fairly and responsibly.

7.1.4 Excellence

We strive for excellence by exceeding standards for service delivery to public and private bodies.

7.1.5. Impartiality

We act in the best interests of the public and our staff by making fair, unbiased and objective decisions based on facts and without fear, favour, or prejudice.

7.1.6. Responsiveness

We strive to respond to all requests timely while being attentive to expressed and unexpressed needs.

8. SITUATIONAL ANALYSIS

8.1 External Environmental Analysis

Political, Economic, Social, Technological, Economic and Legal (PESTEL) analysis was also considered to identify the external factors or environment which have a potential to impact on the implementation of the Strategic Plan (SP).

PESTEL ¹	Threats (External)	Implications for the Regulator (Threats)	Opportunities (External)	Implications for the Regulator (Opportunities)
Political	<ul style="list-style-type: none"> The listing of the Regulator in the PFMA. Regulator being placed under political pressure in the process of its delivery of services. Changes in Government leadership. 	<ul style="list-style-type: none"> Failure to list Regulator means its independence could be compromised. Building an area of practice on disinformation and misinformation during the elections and how these impact on access to information. Conflict of Interest. Implementation of the Regulator's mandate and financial independence 	<ul style="list-style-type: none"> New policies and legislation emanating from the changes in government leadership and political uncertainties can influence the operations of a functional, efficient, and integrated State. These can impact the mandate of the Regulator. 	<ul style="list-style-type: none"> New policies and legislation will enhance the implementation of the Regulator's mandate. Increased awareness of the Regulator. The Regulator will need to develop understanding and capacity to propose the necessary policy and legal interventions to prevent misinformation disinformation

¹ PESTEL stands for Political, Economic, Social, Technological, Environmental & Legal.

PESTEL ¹	Threats (External)	Implications for the Regulator (Threats)	Opportunities (External)	Implications for the Regulator (Opportunities)
	<ul style="list-style-type: none"> Political uncertainties and unstable political environment. 	<p>becomes inefficient and unattainable respectively.</p> <ul style="list-style-type: none"> Lack of continuity of support for the Regulator's work and future strategic activities. Priorities and policies related to the Regulator's may be deprioritised. 		<p>from impacting on the free flow of information.</p>
Economic	<ul style="list-style-type: none"> Lack of economic growth. Weak Rand. 	<ul style="list-style-type: none"> The increase of the country's national debt may lead to budget cuts which will have implications on the budget of the Information Regulator and its ability to carry out its mandate. 	<ul style="list-style-type: none"> Government initiatives and programmes to revive the economy. Amendments to the POPIA legislation in order to generate additional income for the Information Regulator. Implementation of the POPIA provision relating to generating additional income for the Regulator. 	<ul style="list-style-type: none"> There would be more resources for the Regulator to carry out its mandate.

PESTEL ¹	Threats (External)	Implications for the Regulator (Threats)	Opportunities (External)	Implications for the Regulator (Opportunities)
Social	<ul style="list-style-type: none"> • High levels of crime as it relates to the protection of personal information. • Low levels of digital literacy. • Lack of public awareness and the perception of data protection laws. • Opportunism by complainants. 	<ul style="list-style-type: none"> • Inability to execute the Regulator's mandate efficiently as it relates to the investigation and finalisation of the security comprises. • Lack of trust in the Regulator • Cultural and lifestyle diversity may affect the acceptability and impact of data protection practices. • Increase in the number of frivolous and vexatious complaints leading to delays in finalisation. 	<ul style="list-style-type: none"> • Increased advocacy around the protection of personal information. • Building resilience and the importance of security safeguards in protecting personal information. • Collaboration with other entities to enhance the implementation of data protection initiatives to the public. • Research into social aspects of data privacy 	<ul style="list-style-type: none"> • High level of compliance.
Technological	<ul style="list-style-type: none"> • Challenges in keeping up with the rapidly advancing technology. 	<ul style="list-style-type: none"> • Increasing security compromises. • The Regulator's inability to keep abreast with technologies. 	<ul style="list-style-type: none"> • Ability to leverage on technology to support access to information and protection of personal information. 	<ul style="list-style-type: none"> • Adapt to technological changes.

PESTEL ¹	Threats (External)	Implications for the Regulator (Threats)	Opportunities (External)	Implications for the Regulator (Opportunities)
Environmental	<ul style="list-style-type: none"> • Limitations that arise out of disasters. 	<ul style="list-style-type: none"> • Inability to ensure conducive working environment. 	<ul style="list-style-type: none"> • Becoming a greener organisation. 	<ul style="list-style-type: none"> • Business continuity. • Ability to work as per hybrid model.
Legal	<ul style="list-style-type: none"> • Low level of compliance and understanding of legislation by external stakeholders. • Litigation against the Regulator. • Lack of enforcement powers in respect of PAIA compliance and monitoring assessments. 	<ul style="list-style-type: none"> • Inability to fully execute its compliance and monitoring mandate. • Reputational damage. • Apathy by public and private bodies to comply with their PAIA obligations. 	<ul style="list-style-type: none"> • Increase public awareness programmes, education programmes and stakeholder engagements. • Ability to benchmark with other data protection authorities. • Review and amend PAIA and PAIA Regulations. 	<ul style="list-style-type: none"> • Improved level of compliance • Ability to fully execute compliance and monitoring mandate. • Improved level of compliance by public and private bodies. • Improved confidence in the Regulator.

8.2. Internal Environmental Analysis

In an endeavour to better understand the environment within which the Regulator operates, the Strengths and Weaknesses are analysed below:

<p>Strengths</p>	<ul style="list-style-type: none"> • An approved organisational structure which is aligned to our mandate. • Critical vacancies filled. • The Regulator has effective enforcement powers. • The decisions and the guidance of the Regulator impact the laws and regulations of other industries and sectors. • An increase in the understanding of POPIA and data protection laws. • The dual mandate of the Regulator enables it to balance the rights of privacy & access to information in execution of such mandates. • Increased efficiencies leading to more finalisation of complaints by having mechanisms in place to expedite addressing of complaints and disputes informally.
<p>Weaknesses</p>	<ul style="list-style-type: none"> • Human Resource Capacity (inability to attract skilled staff and inability to retain skilled staff) • No Succession Planning Policy • Lacuna in POPIA not enabling effective enforcement measures. • Lack of case management system to effectively manage and address complaints, notifications and queries. • Inadequate office space. • Lack of adequate training and public awareness on POPIA to the public. • Inaccessibility of the Regulator in terms of regional offices and a call centre. • Inadequate human resources in comparison to workload. • Lack of capacity to keep pace with technological advancements. • Lack of jurisprudence. • Lack of clear policy positions in respect of certain areas in the Act (legitimate interest, adequacy, electronic communication – telephones).

PART C: MEASURING OUR PERFORMANCE

9. Institutional performance information

Impact statement	All persons are empowered to assert their rights to privacy as it relates to protection of personal information and access to information.
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9.1 Measuring Our Outcomes

Outcome	Outcome Indicator	Baseline 2021/22	Performance Targets over the Medium-Term Strategic Period				
			2022/23	2023/24	2024/25	2025/26	2026/27
Personal information protected, and Access to information promoted.	Percentage of complex complaints received, investigated, and completed within the prescribed timeframes (POPIA).	0	50%	60%	60%	80%	80%
	Percentage of simple complaints received, investigated, and resolved within the prescribed timeframes (POPIA).	0	100%	100%	80%	100%	100%
	Number of responsible parties assessed on compliance with POPIA.	0	4	12	10	24	26

Outcome	Outcome Indicator	Baseline 2021/22	Performance Targets over the Medium-Term Strategic Period				
			2022/23	2023/24	2024/25	2025/26	2026/27
	Percentage of responsible parties assessed upon request within the prescribed period. (POPIA)	0	N/A	50%	40%	70%	80%
	Percentage of complex complaints received, investigated and completed within the prescribed timelines. (PAIA)	0	50%	60%	60%	80%	85%
	Percentage of simple complaints received and resolved within the prescribed timelines. (PAIA)	0	100%	100%	70%	100%	100%
	Number of targeted public and private bodies assessed on compliance with the provisions of PAIA.	0	96	108	80	132	144
	Percentage of public and private bodies assessed upon request within the prescribed period.	0	N/A	50%	50%	70%	80%

Outcome	Outcome Indicator	Baseline 2021/22	Performance Targets over the Medium-Term Strategic Period				
			2022/23	2023/24	2024/25	2025/26	2026/27
	Percentage of the nationally representative sample of the population who are aware of their right to privacy (as it relates to protection of personal information).	0	5%	10%	-	20%	25%
	Percentage of the nationally representative sample of the population who are aware of their right of access to information	0	5%	10%	-	20%	25%
	Number of education programmes conducted to promote protection of personal information.	0	7	9	14	16	18
	Number of education programmes conducted to promote access to information.	0	7	9	14	16	18

Outcome	Outcome Indicator	Baseline 2021/22	Performance Targets over the Medium-Term Strategic Period				
			2022/23	2023/24	2024/25	2025/26	2026/27
	Number of Public Awareness Programmes on the right of access to information and the right to privacy (protection of personal Information)	0	34	34	24	34	34

10. Explanation of enablers to achieve targets

Outcome	Explanation of enablers to achieve targets.
<p>Personal information protected and Access to Information promoted</p>	<ul style="list-style-type: none"> ▪ The Regulator will conduct educational programmes to advance the public understanding, in particular the disadvantaged communities, of how to exercise their constitutional right to privacy, as it relates to protection of personal information, and the right of access to information. ▪ The Regulator intends to deploy the Complaints Management System to ensure proper management of complaints. ▪ The implementation of Compliance and Monitoring frameworks will assist the Regulator to ensure compliance with POPIA and PAIA. ▪ The finalisation of matters referred to the Enforcement Committee will assist the Regulator exercises to its enforcement powers. ▪ The Regulator will endeavour to enter into training partnerships with service providers and universities to develop and provide educational programmes on behalf of the Regulator.

11. Explanation of the outcome 's contribution to the achievement of the impact.

- Complex and simple complaints resolved and finalised are intended outcomes (results) over the medium-term strategic period of five (5) years. The increased number of these complaints and timeous completion as well as finalisation, for those referred to the Enforcement Committee, will contribute to the impact result of empowering all persons to assert their rights in terms of the Regulators' mandate.
- The Regulator will also assess on its own initiative or as it would be requested, whether there is compliance with POPIA and PAIA. The outcomes of these assessments and the monitoring of measures intended to improve compliance would also contribute to ensure persons are empowered to assert their rights in terms of its mandate.
- Stakeholder engagements and educational programmes will have direct contributions to the achievement of the impact.
- The key measure to determine whether the achievement of outcomes have had an impact on the citizens would be to undertake a research study on whether a sampled representation of the population is aware of the right to privacy, as it relates to the protection of personal information and the right of access to information.

12. Key risks and mitigations

NO	RISK DESCRIPTION	MITIGATION ACTION PLAN	DUE DATE	RESPONSIBLE PERSON
1.	Inability to deal with the influx of matters (POPIA & PAIA)	1.1. To settle complaints through settlement or conciliation as early as possible to reduce the high numbers of registered complaints.	Quarterly	Executive: PAIA and Executive: POPIA
		1.2. To develop formal guidelines on the handling of complaints, in conjunction with EDUCOM, to provide a focused, audience driven POPIA public awareness training.	31 March 2025	Executive: POPIA and Executive: EDUCOM
		1.3. To develop and publish Frequently Asked Questions (FAQs) e-handbook for the public.	30 September 2024	Executive: POPIA and Executive: EDUCOM
		1.4. To develop a Fact Sheet on the handling of security compromises.	31 March 2025	Executive: POPIA
2.	Inability to achieve planned procurement	2.1. Monitor the implementation of the approved Demand Management Plan.	Quarterly	Chief Financial Officer
3.	Inability to spend according to the allocated budget	3.1. Continuously monitor expenditure against the allocated budget.	Quarterly	Chief Financial Officer
4.	Inability to exercise enforcement powers in respect of compliance	4.1. To submit a proposal in respect of the amendments of PAIA to the Department of Justice & Constitutional	30 September 2024	Executive: PAIA and Chief Legal Officer

NO	RISK DESCRIPTION	MITIGATION ACTION PLAN	DUE DATE	RESPONSIBLE PERSON
		Development (DoJ&CD), to ensure that the Regulator has an effective enforcement mechanism.		
		4.2. To report on non-compliance and showcase good practices in order to encourage compliance with PAIA.	31 March 2025	Executive: PAIA and Executive: EDUCOM
5.	Inability to accede to all education and training programme requests	5.1. Conduct clustered training.	Quarterly	Executive: Education and Communication
		5.2. Formation of partnerships with other private and public institutions for conduct of training on behalf of the Regulator through Memoranda of Understanding or other mechanisms.	31 March 2025	Executive: Education and Communication
		5.3. Adopt the “digital first approach” in review, design and presentation of training programmes.	30 June 2024 (for review) 31 December 2024 (for design) Quarterly (for training)	Executive: Education and Communication and Chief Information Officer
6.	Inability to conduct public awareness programmes on the	6.1. Negotiate to secure free airtime programmes with	Quarterly	Executive: Education and Communication

NO	RISK DESCRIPTION	MITIGATION ACTION PLAN	DUE DATE	RESPONSIBLE PERSON
	right of access to information and the right to privacy (protection of personal information)	community radio or community TV programmes.		
		6.2. Negotiate to secure participation in programmes of civil society organisations or other public institutions.	Quarterly	Executive: Education and Communication
		6.3. Solicit donor funding to cover costs for public awareness programmes.	31 March 2025	Executive: Education and Communication
7.	High number of litigation matters	7.1. Appointment of a panel of attorneys for the Regulator.	30 June 2024	Chief Legal Officer and Chief Financial Officer
8.	Inability to finalise recommendations of the Enforcement Committee within prescribed timeframes	8.1. To review the timeframes in the Rules of Procedure of the Enforcement Committee.	31 May 2024	Chief Executive Officer
9.	High staff turnover	9.1. Monitor implementation of exit interviews	Quarterly	Executive: Corporate Services
		9.2. Develop Succession Planning Policy	31 March 2025	Executive: Corporate Services
		9.3. Implement the Retention Policy	31 March 2025	Executive: Corporate Services
		9.4. Train the Line Managers on Interpersonal Communication	31 March 2025	Executive: Corporate Services
		9.5. Develop Induction Programme	30 September 2024 and 31 March 2025	Executive: Corporate Services

NO	RISK DESCRIPTION	MITIGATION ACTION PLAN	DUE DATE	RESPONSIBLE PERSON
		9.6. Implement Remote Working Policy	31 March 2025	Executive: Corporate Services
		9.7. Conduct Training on HR Policies	31 March 2025	Executive: Corporate Services
		9.8. Implement the Employee Health and Wellness Policy	31 March 2025	Executive: Corporate Services
		9.9. Implement the performance Management Policy	31 March 2025	Executive: Corporate Services
10.	Inability to detect and respond effectively to security compromises	10.1. A plan to be put in place to develop a Security Monitoring Centre	31 March 2025	Executive: Corporate Services, Chief Information Officer and Chief Financial Officer
		10.2. Continuous security awareness education and training	31 March 2025	Executive: Corporate Services, Chief Information Officer and Chief Financial Officer

13. Infrastructure projects

N/A

14. Public Private Partnership (PPPs)

N/A

PART D: TECHNICAL INDICATOR DESCRIPTION TABLE (TID)

15. Protection of Personal Information TID

15.1. POPIA TID 1

Indicator title	Percentage of complex complaints received, investigated, and completed within the prescribed timeframes
Definitions	The indicator measures the percentage of complex complaints received, investigated, and completed within the turnaround period of 12 months, as prescribed in the Standard Operating Procedure.
Source data	<ul style="list-style-type: none"> • Submitted Complaint Form • Complaints Register • Report on complaints investigated and completed. • Case files
Method of calculation/assessment	Number of complex complaints received, investigated, and finalised divided by the total number of complaints received multiplied by 100.
Means of verification	<ul style="list-style-type: none"> • Investigation Reports • Complaints Register • Enforcement Notices • Outcome Letters/ Settlement Certificate
Assumptions	The Regulator will receive complaints
Disaggregation of beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Cumulative
Reporting Cycle	Quarterly
Desired performance	Exceed the annual target

Indicator Responsibility	Executive POPIA
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15.2. POPIA TID 2

Indicator title	Percentage of simple complaints received, investigated, and resolved within the prescribed timeframes
Definitions	The indicator measures the percentage of simple complaints received, investigated, and resolved within the past three months.
Source data	<ul style="list-style-type: none"> Submitted Complaints Form Complaints Register Investigation File
Method calculation/assessment	Number of simple complaints finalised divided by the total number of complaints received multiplied by 100.
Means of verification	<ul style="list-style-type: none"> Complaints register. Investigation report Take No-Action form/Outcome letter/ Settlement Certificate
Assumptions	The Regulator will receive complaints
Disaggregation of beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Cumulative
Reporting Cycle	Quarterly
Desired performance	Achieve the annual target
Indicator Responsibility	Executive POPIA

15.3. POPIA TID 3

Indicator title	Number of responsible parties monitored on compliance with POPIA.
Definitions	The indicator measures number of targeted responsible parties monitored on compliance, in accordance with the approved POPIA Compliance, Monitoring Framework
Source data	<ul style="list-style-type: none"> • POPIA Compliance, Monitoring and Enforcement Framework • POPIA Compliance and Monitoring Plan • Attendance Registers • Compliance monitoring files
Method of calculation/assessment	Number of responsible parties monitored for compliance with POPIA divided by the total number of assessments finalised multiplied by 100.
Means of verification	<ul style="list-style-type: none"> • Assessment Reports • Attendance Registers
Assumptions	POPIA Compliance, Monitoring and Enforcement Framework will be approved.
Disaggregation of beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Cumulative
Reporting Cycle	Quarterly
Desired performance	To optimise the implementation of the measures to deter non-compliance with POPIA to ultimately reduce the number of complaints lodged with the Regulator.
Indicator Responsibility	Executive: POPIA

15.4. POPIA TID 4

Indicator Title	Percentage of responsible parties assessed upon request within the prescribed period
Definition	This indicator measures the percentage of request for assessment received and assessment reports completed within the turnaround period, as prescribed in the Standard Operating Procedures.
Source of data	<ul style="list-style-type: none"> • Request for compliance assessment • Compliance and Monitoring Register
Method of calculation or assessment	Number of requests for assessment received divided by the number of assessment reports completed multiplied by 100.
Means of verification	<ul style="list-style-type: none"> • Compliance Assessment Reports
Assumptions	The Regulator will receive requests for assessment
Disaggregation of beneficiaries (where applicable)	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Cumulative
Reporting cycle	Quarterly
Desired performance	Achieve annual target
Indicator responsibility	Executive: POPIA

16. Promotion of Access to Information TID

16.1. PAIA TID 1

Indicator Title	Percentage of complex complaints received, investigated and completed within the prescribed timelines (PAIA)
Definition	This indicator measures the percentage of complex complaints received in the past 12 months and investigations completed within the turnaround period of 12 months, as prescribed in the Standard Operating Procedures.
Source of data	<ul style="list-style-type: none"> • Complaint forms • Complaints Register • Investigation files • Standard Operating Procedures
Method of calculation or assessment	Number of complex complaints investigated and completed divided by number of complex complaints received multiplied by 100.
Means of verification	<ul style="list-style-type: none"> • Investigation Reports and Referral Forms to the Enforcement Committee • Rejection Letters • Pre-investigation Reports • Settlement Certificates • Conciliation Certificates • Closing Reports
Assumptions	The Regulator will receive complaints.
Disaggregation of beneficiaries (where applicable)	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Cumulative
Reporting cycle	Quarterly
Desired performance	Exceed the annual target by achieving 100%
Indicator responsibility	Executive: PAIA

16.2. PAIA TID 2

Indicator title	Percentage of Simple Complaints received and resolved within the prescribed timelines
Definitions	The indicator measures the percentage of simple complaints received in the past 3 months and resolved within the turnaround period of 3 months, as prescribed in the Standard Operating Procedures.
Source data	<ul style="list-style-type: none"> • Complaint Forms • Complaints Register • Investigation Files • Standard Operating Procedures
Method of calculation/assessment	Number of simple complaints resolved divided by number of simple complaints received multiplied by 100.
Means of verification	<ul style="list-style-type: none"> • Complaints Register • Rejection letters • Pre-investigation Reports • Settlement Certificates • Conciliation Certificates • Closing Reports
Assumptions	The Regulator will receive complaints
Disaggregation of beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Cumulative
Reporting Cycle	Quarterly
Desired performance	Achieve the annual target
Indicator Responsibility	Executive PAIA

16.3. PAIA TID 3

Indicator Title	Number of targeted public and private bodies assessed on compliance with the provision of PAIA.
Definition	This indicator measures the number of targeted public and private bodies assessed on compliance with the relevant provisions of PAIA, in accordance with an approved Compliance Monitoring & Enforcement Framework.
Source of data	<ul style="list-style-type: none"> • Annually Approved Assessment Plan • Compliance and Monitoring Register • Compliance and Monitoring & Enforcement Framework • Assessment files
Method of calculation or assessment	Simple count
Means of verification	<ul style="list-style-type: none"> • Compliance Assessment Reports • Attendance Register
Assumptions	The Annual Assessment Plan will be approved
Disaggregation of beneficiaries (where applicable)	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Non-Cumulative
Reporting cycle	Quarterly
Desired performance	All targeted public and private bodies assessed.
Indicator responsibility	Executive: PAIA

16.4. PAIA TID 4

Indicator Title	Percentage of Public and Private Bodies assessed upon request within the prescribed period.
Definition	This indicator measures the percentage of requests for assessment received and assessments finalised within the turnaround period.
Source of data	<ul style="list-style-type: none"> • Compliance and Monitoring Register • Request for Assessment Form
Method of calculation or assessment	Number of requests for assessment finalised divided by the number of assessment requests received multiplied by 100.
Means of verification	<ul style="list-style-type: none"> • Closing/Rejection Letters • Compliance Assessment Reports
Assumptions	The Regulator will receive requests for assessment
Disaggregation of beneficiaries (where applicable)	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Cumulative
Reporting cycle	Quarterly
Desired performance	Assessment reports or closing/rejection letters issued on all request for assessments received.
Indicator responsibility	Executive: PAIA

17. Education and Communication TID

17.1. EDUCOM TID 1

Indicator Title	Percentage of the nationally representative sample of the population who are aware of their right to privacy (as it relates to protection of personal information)
Definition	This indicator measures the percentage of respondents within a nationally representative sample of the population that indicate awareness about their rights to privacy.
Source of data	<ul style="list-style-type: none"> • Approved Research proposal • Fieldwork report
Method of Calculation / Assessment	The total number of respondents that indicate awareness about their rights to privacy divided by the total number of the sample population multiplied by one hundred (100).
Means of verification	Survey Research Report in line with the approved research proposal
Assumptions	<ul style="list-style-type: none"> • Potential respondents will be willing to participate in the survey • Approved research proposal • Availability of sufficient budget
Disaggregation of Beneficiaries (where applicable)	Disaggregation of beneficiaries as expressed in the approved research proposal
Spatial Transformation (where applicable)	Spatial transformation considerations to be addressed as in the approved research proposal
Calculation type	Cumulative
Reporting Cycle	Annually
Desired performance	Half of the sampled respondents will indicate awareness about their rights to privacy by FY 2026/2027.
Indicator Responsibility	Executive: Education & Communication

17.2. EDUCOM TID 2

Indicator Title:	Percentage of the nationally representative sample of the population who are aware of their right of access to information.
Definition:	This indicator measures the percentage of respondents within a nationally representative sample of the population that indicate awareness about their right of access to information.
Source of data	<ul style="list-style-type: none"> • Approved Research Proposal • Fieldwork Report
Method of Calculation / Assessment	The total number of respondents that indicate awareness about their right of access to information divided by the total number of the sample population multiplied by one hundred (100).
Means of verification	Survey Research Report undertaken in line with the approved research proposal
Assumptions	<ul style="list-style-type: none"> • Potential respondents will be willing to participate in the survey. • Approved research proposal • Availability of sufficient budget
Disaggregation of Beneficiaries (where applicable)	Disaggregation of beneficiaries as expressed in the approved research proposal.
Spatial Transformation (where applicable)	Spatial transformation considerations to be addressed as in the approved research proposal.
Calculation Type	Cumulative
Reporting Cycle	Annually
Desired performance	Half of the sampled respondents will indicate awareness about their rights of access to information FY 2026/2027.
Indicator Responsibility	Executive: Education & Communication

17.3 EDUCOM TID 3

Indicator Title:	The number of education programmes conducted for the public to promote protection of personal information
Definition:	This indicator measures the number of education programmes conducted for the public to promote the protection of personal information.
Source of data	<ul style="list-style-type: none"> • Approved annual training plan • Approved quarterly training plans • Education materials developed and approved
Method of Calculation / Assessment	Simple count
Means of verification	<ul style="list-style-type: none"> • Approved training reports • Attendance registers for each programme conducted
Assumptions	The targeted audience will be responsive to the sessions scheduled and conducted.
Disaggregation of Beneficiaries (where applicable)	Rural organised community structures and public officials will be targeted as priority groups for the programmes.
Spatial Transformation (where applicable)	There will be a special focus on rural areas.
Calculation Type	Non-Cumulative
Reporting Cycle	Quarterly
Desired performance	Education programmes planned will be effective and will promote compliance by responsible parties and empower the public to take active measures to protect personal information.
Indicator Responsibility	Executive: Education & Communication

17.4. EDUCOM TID 4

Indicator Title:	The number of education programmes conducted for the public to promote access to information
Definition:	<ul style="list-style-type: none"> • This indicator measures the number of education programmes conducted for the public to promote access to information
Source of data	<ul style="list-style-type: none"> • Annual Training plan • Quarterly training plan • Education materials developed and approved
Method of Calculation / Assessment	Simple count
Means of verification	<ul style="list-style-type: none"> • Approved training reports • Attendance registers for each programme conducted
Assumptions	The targeted audience will be responsive to the sessions scheduled and conducted.
Disaggregation of Beneficiaries (where applicable)	Rural organised community structures and public officials will be targeted as a priority group for the programmes.
Spatial Transformation (where applicable)	There will be a special focus on rural areas.
Calculation Type	Non-cumulative
Reporting Cycle	Quarterly
Desired performance	Education programmes planned will be effective and will promote compliance by responsible parties and empower the public to take active measures to promote access to information.
Indicator Responsibility	Executive: Education & Communication

17.5. EDUCOM TID 5

Indicator Title:	The number of public awareness programmes on the right of access to information and the right to privacy (protection of personal information)
Definition:	This indicator measures the number of public awareness programmes and events conducted to raise awareness about the right of access to information (through PAIA) and the right to privacy (protection of personal information) (through POPIA).
Source of data	<ul style="list-style-type: none"> • Approved concept notes and plans for public awareness programmes and events
Method of Calculation / Assessment	Simple count
Means of verification	<ul style="list-style-type: none"> • Approved Public Awareness Reports • Photographs • Attendance registers
Assumptions	The targeted audience will be responsive to the sessions scheduled.
Disaggregation of Beneficiaries (where applicable)	Rural and disadvantaged communities (individuals and community structures) will be targeted as priority groups for the programmes.
Spatial Transformation (where applicable)	The Northern Cape, North West, Free State, and Western Cape provinces will be targeted for delivery of public awareness programmes. There will be a special focus on rural areas.
Calculation Type	Non-cumulative
Reporting Cycle	Quarterly
Desired performance	To reach as many people as possible in raising awareness about POPIA and PAIA. Half of the activities conducted will be with communities beyond urban areas.
Indicator Responsibility	Executive: Education & Communication