

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 2601

7 October 2022



**INFORMATION
REGULATOR
(SOUTH AFRICA)**
Ensuring protection of your personal information
and effective access to information

Address: 27 Stiemens Street, 4th Floor
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27 SEPTEMBER 2022

**NOTICE IN TERMS OF SECTION 62(1) OF THE PROTECTION OF PERSONAL
INFORMATION ACT NO 4 OF 2013 (POPIA) CODE OF CONDUCT: THE BANKING
ASSOCIATION SOUTH AFRICA(BASA)**

1. In terms of the provisions of section 62(1) of POPIA, the Information Regulator (Regulator) gives notice of issuing a code of conduct submitted by The Banking Association South Africa to the Regulator on 31 May 2022 that deals with how personal information will be processed in the credit sector.
2. On 24 June 2022, the Regulator gave notice upon receipt of the Code in terms of the provisions of section 61(2) of POPIA for submissions to be made on the code of conduct to be issued.
3. The purpose of the code of conduct is to-
 - 3.1. promote appropriate practices by members of BASA governing the processing of personal information in terms of POPIA;
 - 3.2. encourage the establishment of appropriate agreements between members of BASA and third parties, regulating the processing of personal information as required by POPIA and dictated by good business practice; and
 - 3.3. to establish procedures for members of BASA to be guided in their interpretation of principally POPIA, but also other laws or practices governing the processing of personal information, allowing for complaints against credit bureau to be considered and remedial action, where appropriate, to be taken.
4. The code of conduct governs-
 - 4.1. the processing of personal information (including consumer credit information) by credit bureau that are members of BASA in compliance with POPIA and The Banks Act, 94 of 1990;

- 4.2. where appropriate, agreements that may need to be concluded between members of BASA and third parties promoting, and to the extent possible ensuring that personal information is processed in compliance with POPIA; and
 - 4.3. the enforcement by BASA of the provisions of the code of conduct,
5. The Regulator has considered the proposed code of conduct in terms of section 60 of POPIA, and herein provides notice that an application for the issuing of a BASA code has been successful and it is being issued in pursuance of section 62(1) as follows:
 - 5.1. copies of the code are available for inspection free of charge and for purchase;
 - 5.2. copies of it are available on the Regulator's website as long as the code remains in force;
 - 5.3. The BASA code is binding on every class or classes of body, industry, profession or vocation referred to therein.
 - 5.4. The Regulator may on its own initiative review the operation of an approved code within a five (5) year period or as and when deemed necessary.
 - 5.5. The outcome of the review of a code may inform a decision by the Regulator to revoke an approved code.
6. A code of conduct issued under section 60 of POPIA will come into force on the 28th day after the date of its notification in the Gazette.
7. A copy of the code of conduct will be made available on the Regulator's website, alternatively, a request for a copy of the code may be made by addressing correspondence to email address: POPIACompliance@info regulator.org.za

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 2602

7 October 2022



**INFORMATION
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27 SEPTEMBER 2022

**NOTICE IN TERMS OF SECTION 62(1) OF THE PROTECTION OF PERSONAL
INFORMATION ACT NO 4 OF 2013 (POPIA) CODE OF CONDUCT: CREDIT BUREAU
ASSOCIATION (CBA)**

1. In terms of the provisions of section 62(1) of POPIA, the Information Regulator (Regulator) gives notice of issuing a code of conduct submitted by Credit Bureau Association (CBA) to the Regulator on 25 May 2022 that deals with how personal information will be processed in the credit sector.
2. On 24 June 2022, the Regulator gave notice upon receipt of the Code in terms of the provisions of section 61(2) of POPIA for submissions to be made on the code of conduct to be issued.
3. The purpose of the code of conduct is to-
 - 3.1. promote appropriate practices by members of CBA governing the processing of personal information in terms of POPIA;
 - 3.2. encourage the establishment of appropriate agreements between members of CBA and third parties, regulating the processing of personal information as required by POPIA and dictated by good business practice; and
 - 3.3. to establish procedures for members of CBA to be guided in their interpretation of principally POPIA, but also other laws or practices governing the processing of personal information, allowing for complaints against credit bureau to be considered and remedial action, where appropriate, to be taken.
4. The code of conduct governs-

- 4.1. the processing of personal information (including consumer credit information) by credit bureau that are members of CBA in compliance with POPIA and National Credit Act, 34 of 2005 (NCA);
 - 4.2. where appropriate, agreements that may need to be concluded between members of CBA and third parties promoting, and to the extent possible ensuring that personal information is processed in compliance with POPIA; and
 - 4.3. the enforcement by CBA of the provisions of the code of conduct,
5. The Regulator has considered the proposed code of conduct in terms of section 60 of POPIA, and herein provides notice that an application for the issuing of a CBA code has been successful and it is being issued in pursuance of section 62(1) as follows:
 - 5.1. copies of the code are available for inspection free of charge and for purchase;
 - 5.2. copies of it are available on the Regulator's website as long as the code remains in force;
 - 5.3. The CBA code is binding on every class or classes of body, industry, profession or vocation referred to therein.
 - 5.4. The Regulator may on its own initiative review the operation of an approved code within a five (5) year period or as and when deemed necessary.
 - 5.5. The outcome of the review of a code may inform a decision by the Regulator to revoke an approved code.
6. A code of conduct issued under section 60 of POPIA will come into force on the 28th day after the date of its notification in the Gazette.
7. A copy of the code of conduct will be made available on the Regulator's website, alternatively, a request for a copy of the code may be made by addressing correspondence to email address: POPIACompliance@info regulator.org.za