

Key considerations when collaborating with external data partners

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Presentation discussion points

Applicable laws

Understanding key elements of POPIA

Engaging with outsourced technology partners

Things to consider when
evaluating/contracting with outsourced
technology partners



Source: <https://www.vecteezy.com/vector-art/14896828-presentation-room-business-meeting-in-the-conference-room-concept-illustration>



Processing of data is highly regulated in the region

Data Protection Law, 2011
(17 June 2011)
Various other laws

Data Protection Bill, 2021

Data Protection Act 18 of
2024
(29 October 2024)

Malawi Data Protection
Act 2024
(31 May 2024)

Data Protection Act 3 of
2021
(3 June 2024)

Various laws
No specific data
protection laws

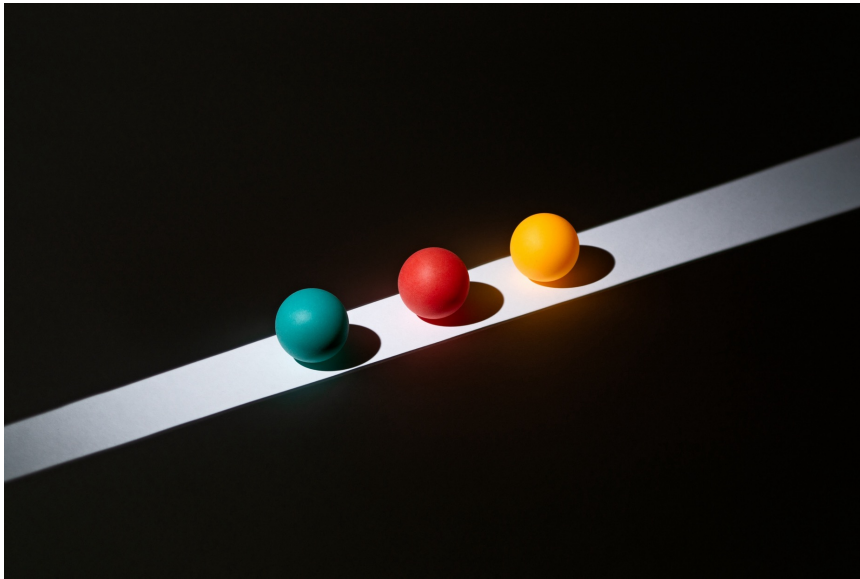
Cyber and Data
Protection Act, 2021
(11 March 2022)

Protection of Personal Information Act 4 of
2013 (**POPIA**)
(1 July 2020)



Source: www.dlapiperdataprotection.com, www.adventuretoafrika.com

Most countries have similar laws



Source: Creative Commons

Very **similar** protections

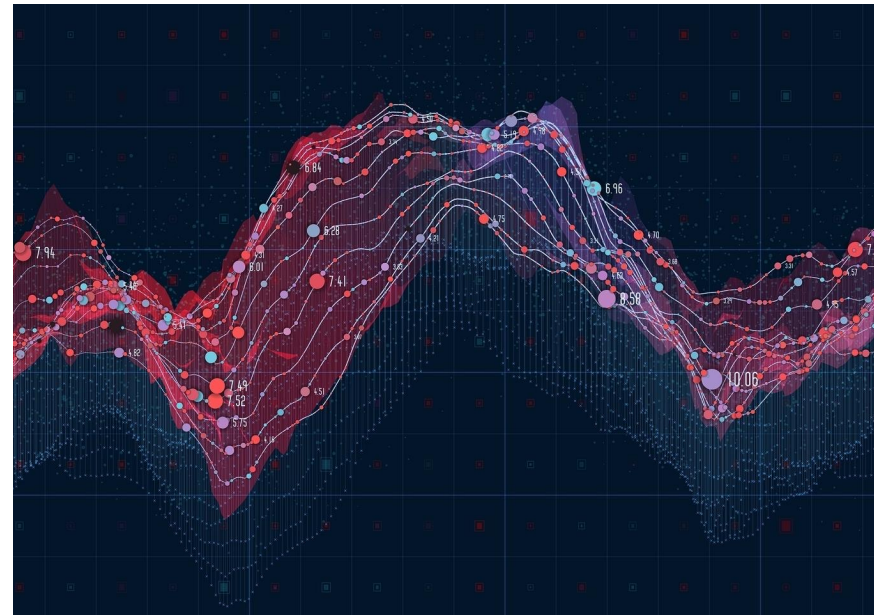
Mostly protect the rights of **individuals**

South Africa extends this to **existing legal persons**



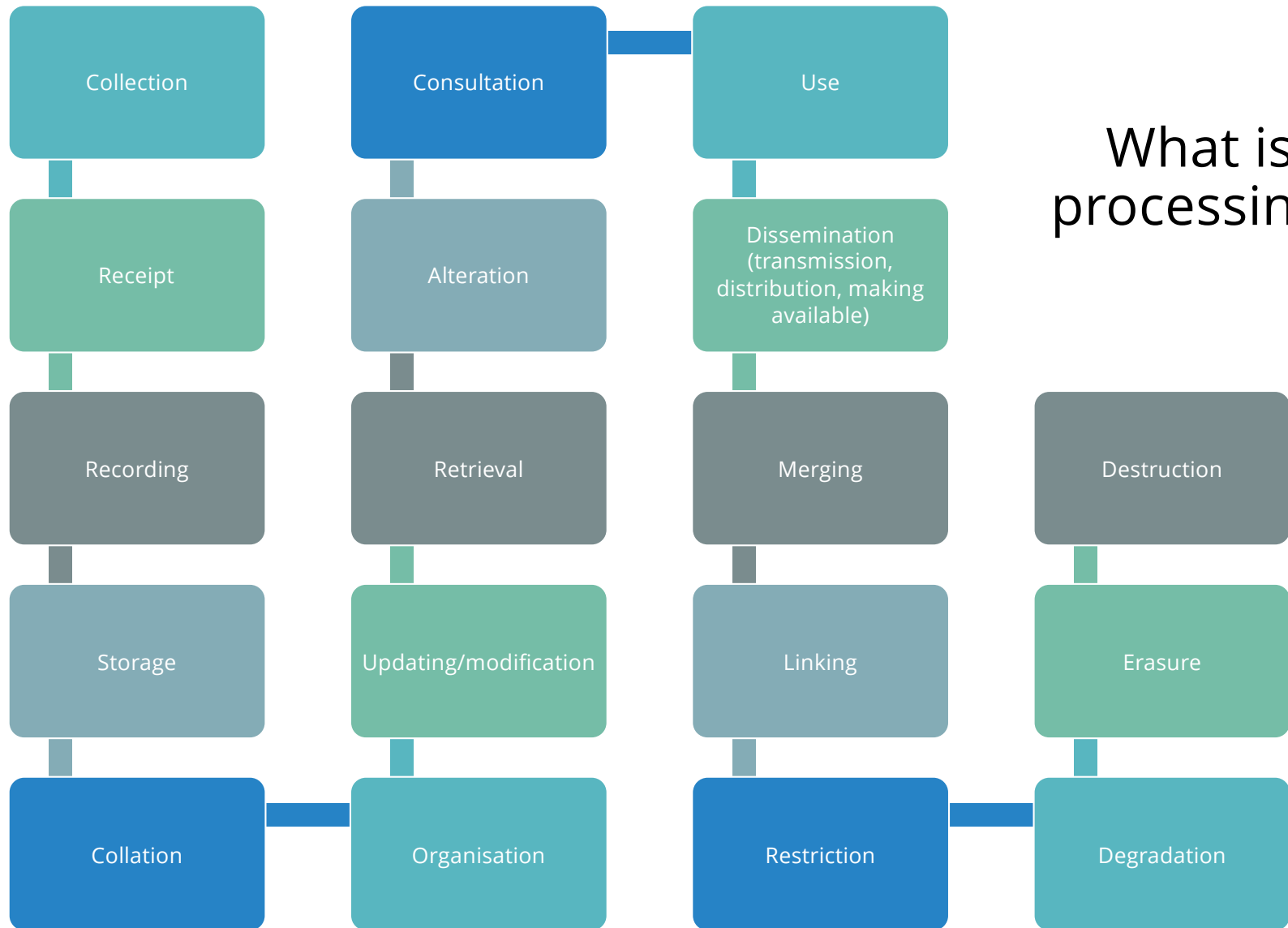
What is personal information?

- Relating to **identifiable living natural person** or **identifiable existing juristic person**
- Including:
 - Race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, and birth
 - Education or medical, financial, criminal, or employment history
 - **Identifying number**, symbol, **email address**, physical address, telephone number, **location information**, **online identifier** or other particular assignment
 - **Biometric information**
 - Personal opinions, views, or preferences
 - Private or confidential correspondence
 - Views and opinions of another individual about that person
 - **Name** (if it appears with other personal information) or if disclosure of name itself would reveal information about person

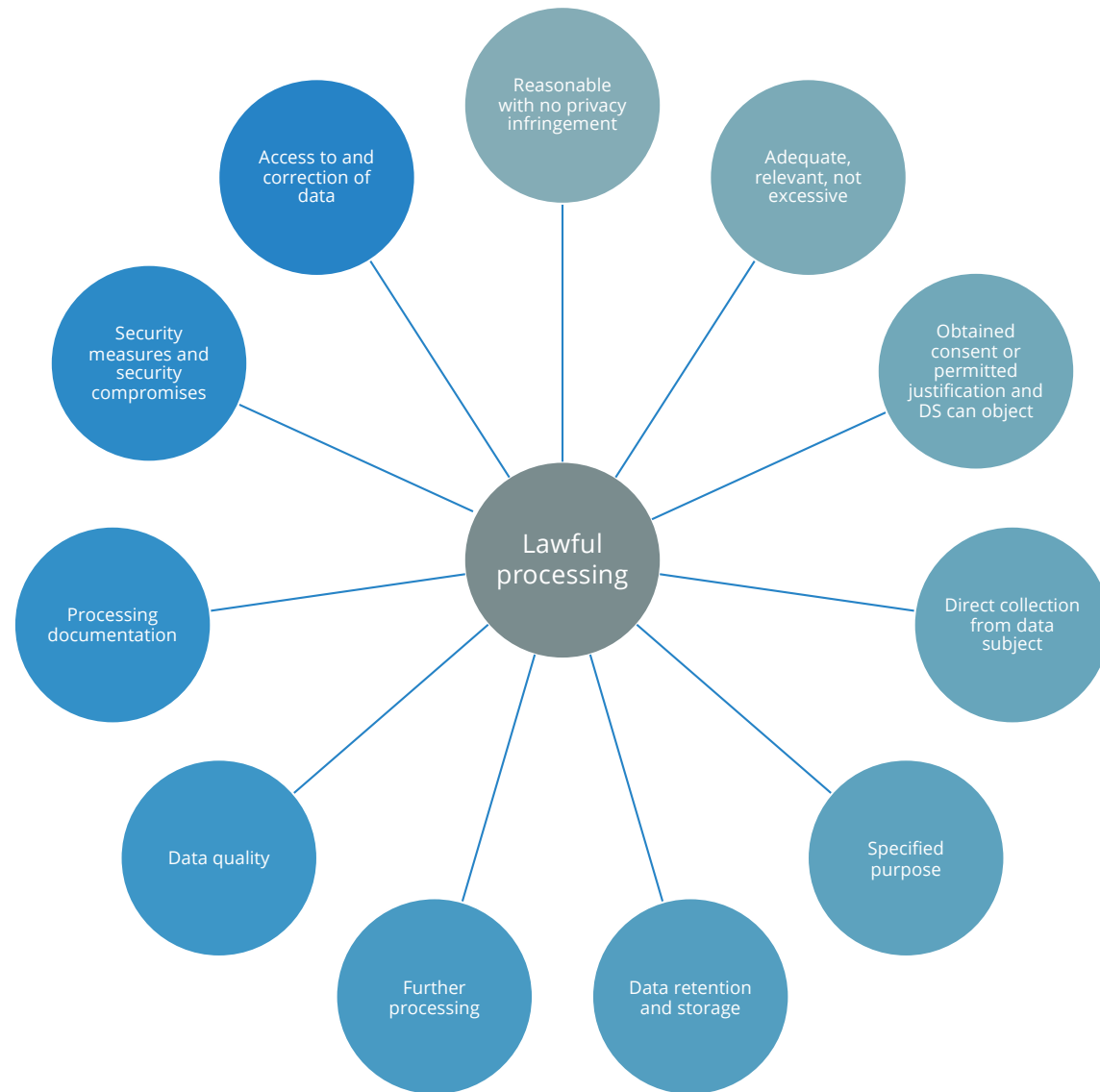


Source: <http://www.zesty.io/en-us/mindshare/internet-of-things/what-is-a-data-flow-diagram-everything-you-need-to-know/>





What is
processing?



Outsourced technology providers

Written contract

Knowledge/authorisation of
responsible party

Establishment and maintenance of
security measures

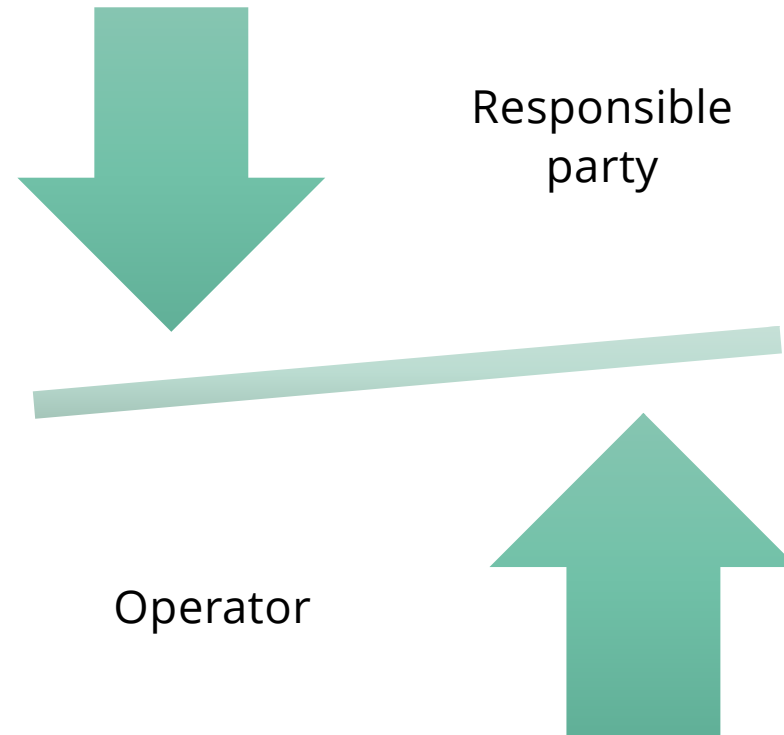
Confidentiality:

Required by law

Proper performance of duties

Notification of **unauthorised
access/acquisition**

Cross-border movements



Cross-border data transfers

Certain countries **prohibit** cross-border data transfers

General prohibition unless:

Substantially similar legal provisions:

Lawful processing

Further processing

Data subject **consents**

Data subject **benefits:**

Contract between **data subject and responsible party**

Contract between **responsible party and third party** in interest of data subject

Not reasonably practicable to obtain consent

Data subject (if reasonably practicable), give consent



Source: <https://www.rsa.global/blog/cross-border-e-commerce-logistics-strategies-in-2022>



Reasonable measures

Technical

- Cloud systems
- Limited access
- Frequent password updates
- Antivirus programs
- System configuration
- Data archiving
- Anonymisation/de-identification
- Penetration testing

Organisational

- Policies and procedures
- Training
- Regular awareness campaigns



Source: <https://www.vecteezy.com/vector-art/18980924-mix-icon-for-reasonable>

Operational transparency

The importance of the **audit trail**

Maintaining organisational confidentiality

“Need to know”

Chinese walls

Data segregation

Penetration tests



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Things to bear in mind



Source: <https://swisscognitive.ch/2023/04/19/ai-ethics-in-focus-balancing-innovation-security-and-responsibility-swisscognitive-ai-radar/>

- What **kind of data** will be processed through the technology?
- **Where** is the technology hosted?
- What **data security measures** are in place:
 - System **redundancy**
 - **Business continuity** – access to data
 - **Penetration testing**
- Cyber **insurance**
- Make sure you have a **written contract** in place
- Obtain the consent of all data subjects:
 - Customers
 - 3PLs and their employees
- Ensure the consents are **robust**



Thank you

Further questions?

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