

# Key considerations when collaborating with external data partners

Thursday 13 February 2025



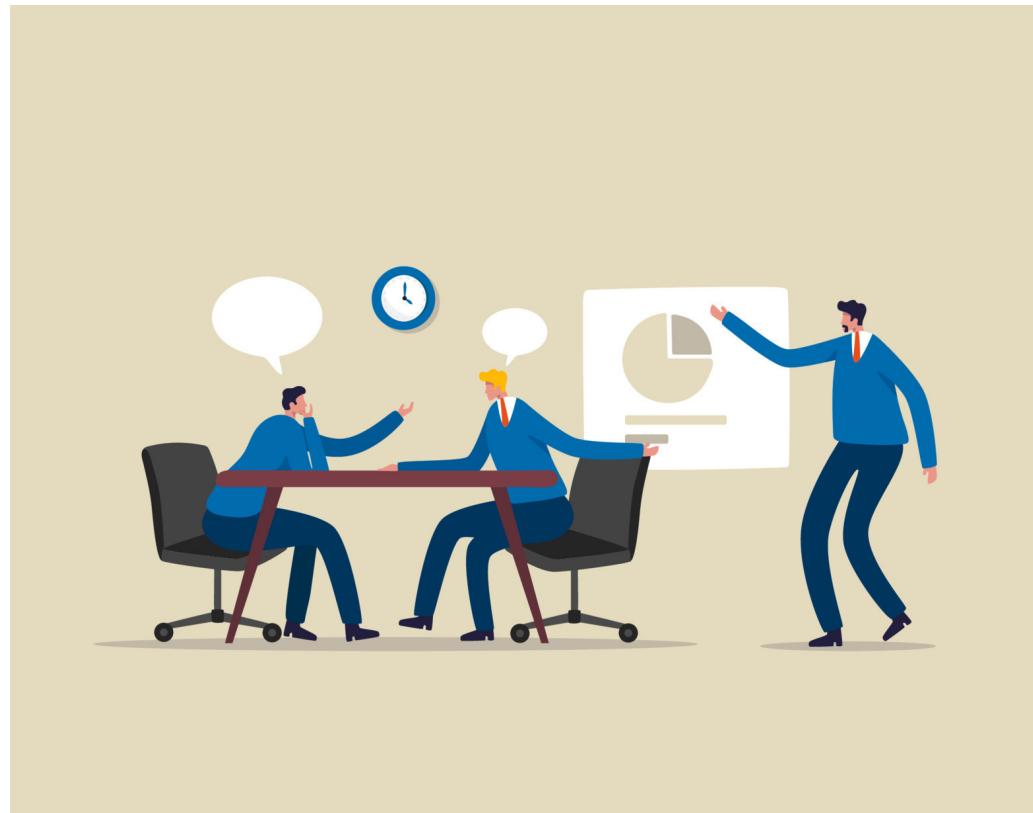
# Presentation discussion points

Applicable laws

Understanding key elements of POPIA

Engaging with outsourced technology partners

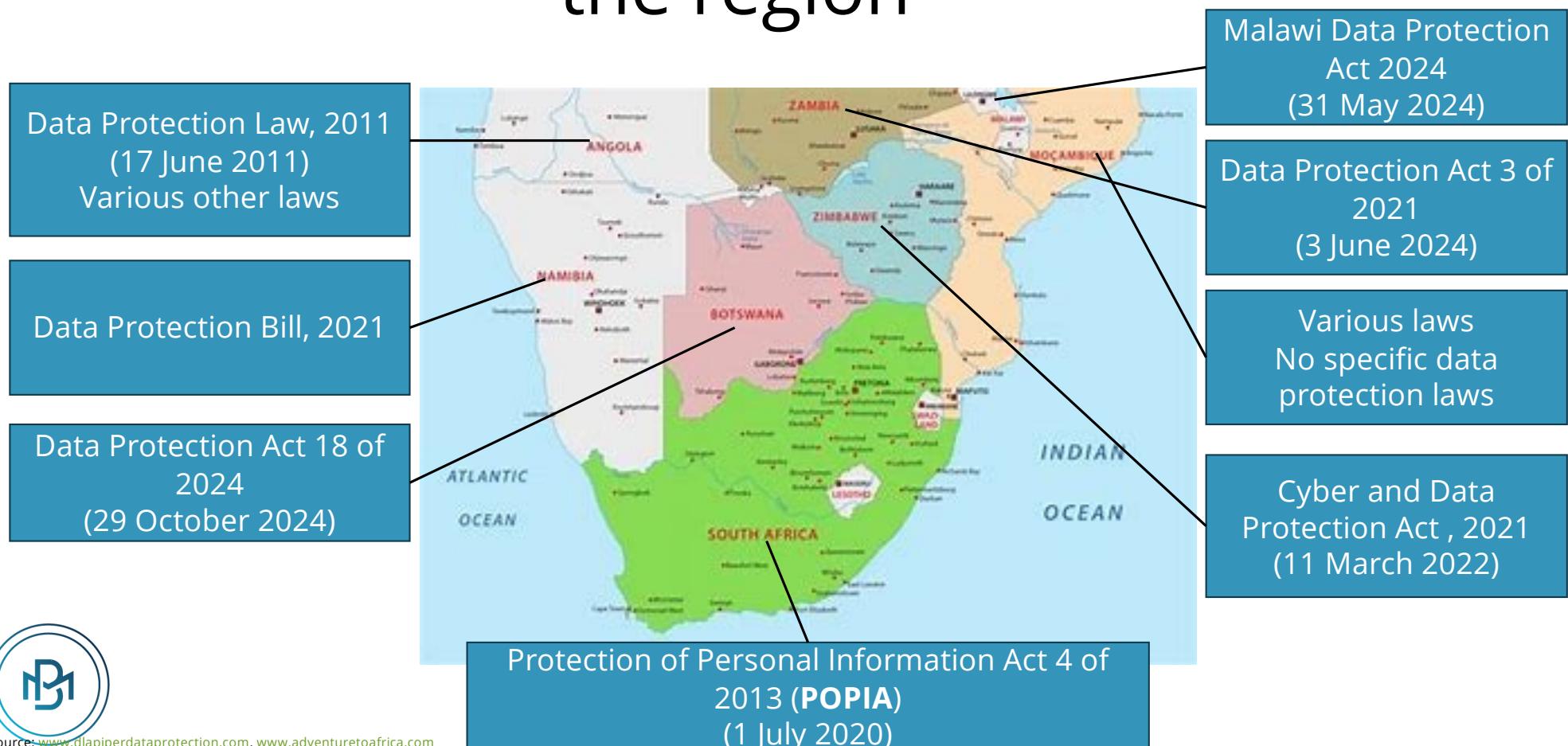
Things to consider when evaluating/contracting with outsourced technology partners



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

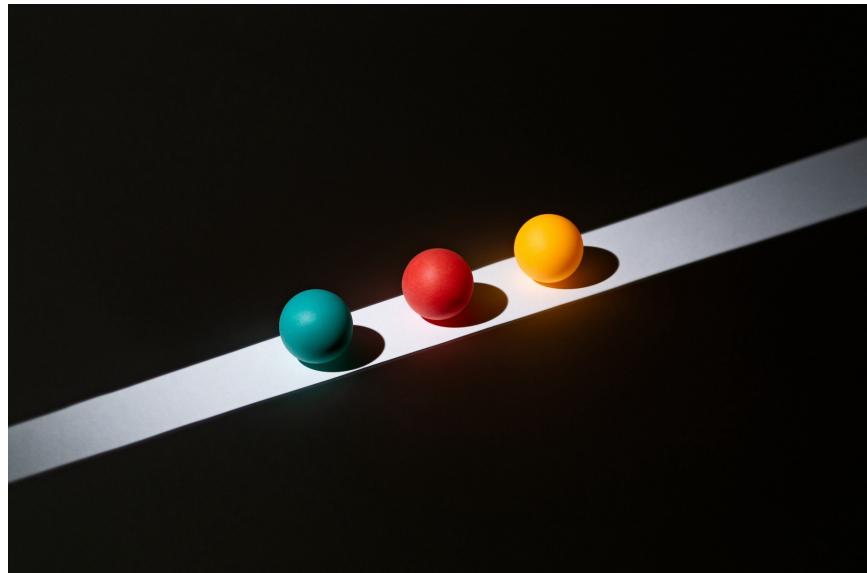


# Processing of data is highly regulated in the region



Source: [www.clapiperdataprotection.com](http://www.clapiperdataprotection.com), [www.adventuretoafrica.com](http://www.adventuretoafrica.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**



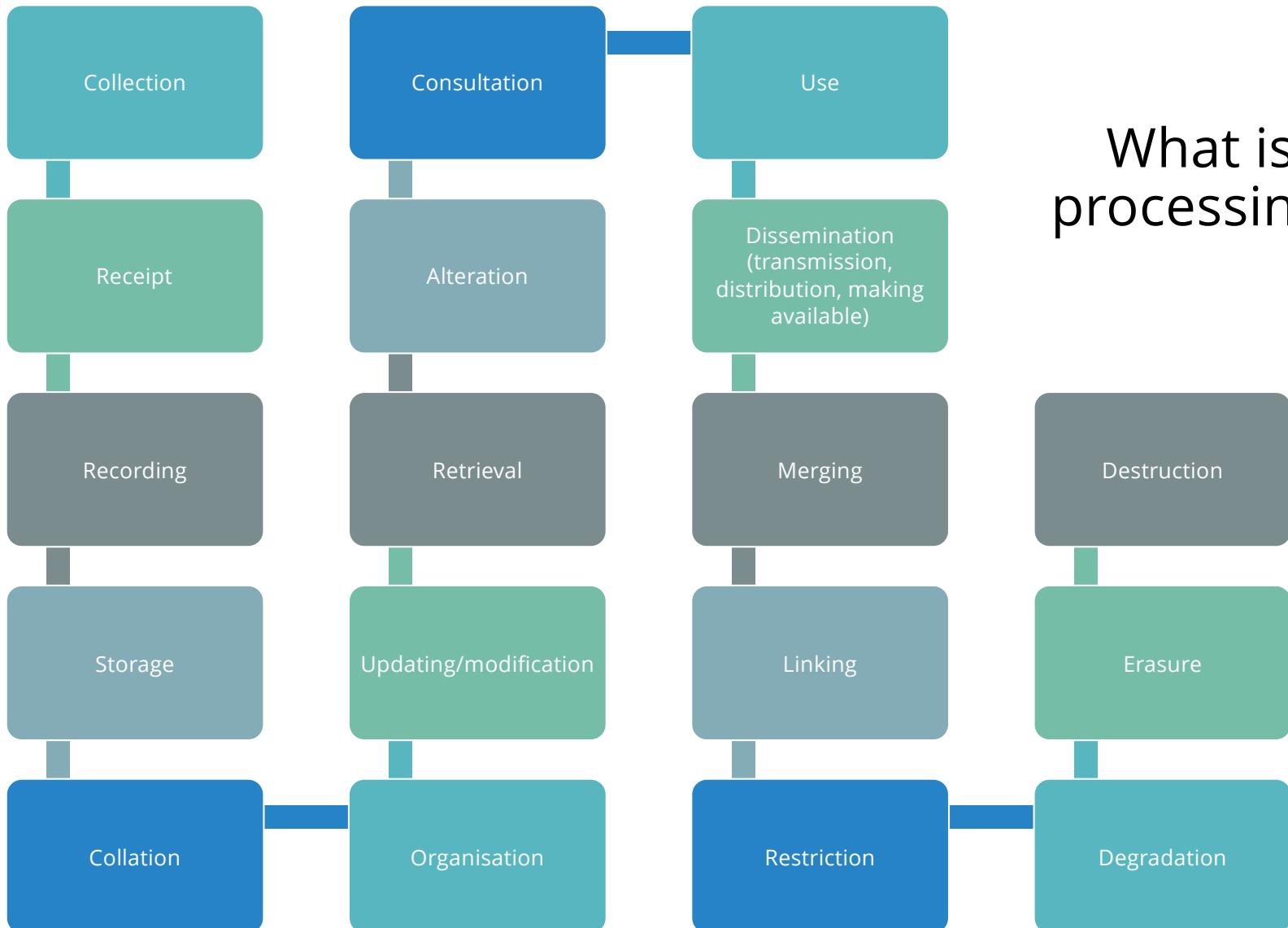
# What is personal information?

- 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**

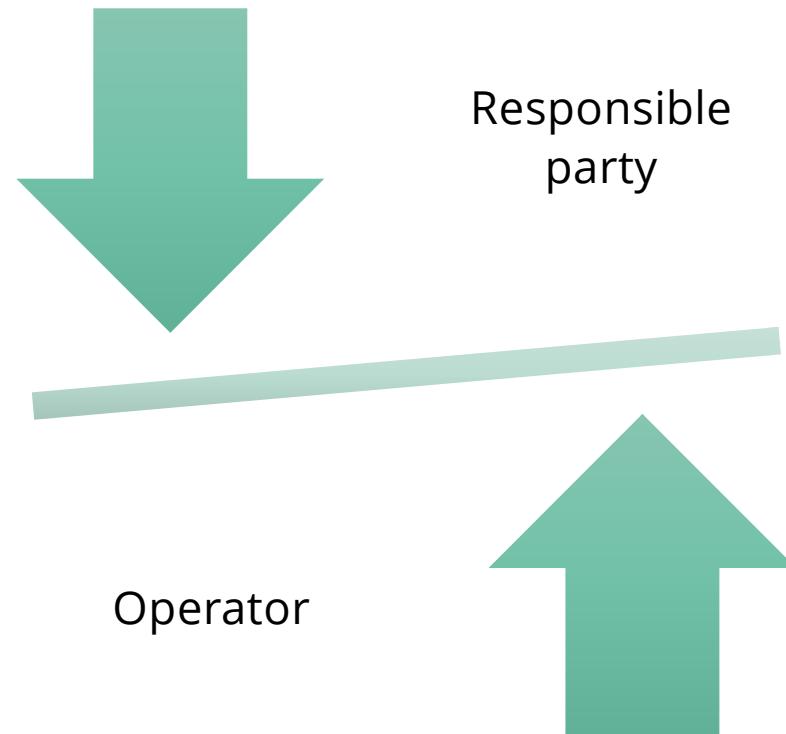
## Confidentiality:

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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