

## **The dangers of water cooler conversations in business**

*22 April 2014, Johannesburg:* You may think your ‘harmless’ gossip session at the water cooler is just that, harmless, but think again. Since the Protection of Personal Information Act was signed into law in November last year, this could change very soon, explains human capital management solutions provider Manpower South Africa.

“Privacy is somewhat of a mirage. In the modern world, where platforms like social media mean those around us are constantly updated on what we are doing, where we are, and so on. These online platforms also provide a space for information, true or untrue, to be spread in a matter of seconds to millions of people globally,” explains Lyndy van den Barselaar, Managing Director of Manpower South Africa.

Global advertising agency Havas Worldwide published a Prosumer Report titled *This Digital Life*, which found that 54% of respondents aged between 18 and 34, 55% of respondents aged between 35 and 54, and 57% of respondents aged 55 and up, believe that technology is robbing us of our privacy. Additionally, 51%, 44% and 38% of the same groups said they worry that friends or family will share their personal information online, that they didn’t want shared. Van den Barselaar notes that these kinds of statistics further illustrate the need for an act such as the Privacy of Information Act.

“Essentially, the act regulates how anyone who processes personal information must handle, keep and secure that information, explains van den Barselaar. “While the Act has been signed into law, it is yet to become effective. The president still needs to decide on the commencement date, from when the law will apply.”

Van den Barselaar explains that it is important for employers and employees alike to become aware of the act, and how it will affect them.

Technically, the Act is a general information protection statute, designed to prevent the negligent disclosure of personal information. “The definition of personal information is a broad one, including anything that can be used to identify a certain individual in any way. This could be a name, ID number, address, or even religious affiliation, sexual orientation, medical history, criminal record, and even your educational history,” notes van den Barselaar.

Those who deal with personal information of any type within their job description or organisation, (such as Human Resources managers, Insurance Brokers, Bankers, Labour Brokers, etc.) should be aware of this.

“A harmless gossip session at the (figurative) water cooler may not be so harmless once the Act is instated, and could result in serious implications for those found sharing personal information in a negligent fashion,” she explains.

Organisations that request personal information will be responsible for ensuring it is constantly kept up to date. They will also have a responsibility to take reasonable security measures, in line with recent industry standards, to secure that information from the moment it has been captured until it has been destroyed.

“An information Regulator will be instated to deal with consumer complaints and appeals concerning breaches of the law, where personal information is concerned. This means an eventual end to spammers. If a company already has a relationship with you, it needs to make sure you know why they need your personal information and what it will be used for, and you have to consent to them having it. If there’s no existing relationship between you and a company, they will have just one opportunity to ask you whether you’d like to receive their information. If they don’t respect your wishes, you’ll be able to report them to the regulator,” explains van den Barselaar.

She highlights that this Act has been well received by the country. “It is not often that the majority of people agree on the laws that are passed, or believe these are right. However, the Protection of Personal Information Act has received positive responses from consumers, organisations and leaders, alike.”

The law will apply to basically everyone, she says. All public and private organisations will have to put systems in place to protect your personal information.

Certain groups, however, have been excluded, such as journalists using the information in the public interest, writers or artists using the information for literary or artistic purposes, judges carrying out their official duties; personal households and; to some extent, the state. State bodies involved in crime prevention – like the police or the National Intelligence Agency – will be exempt, as will events like Cabinet meetings.

“It will go as far as the security guards who stop you at the entrance to a building and ask you to fill out a form with your name, ID number and contact details having to explain why they need the information and what they’re going to do with it,” notes van den Barselaar.

The law is likely to come into play next year. Meanwhile, van den Barselaar notes that most large companies are already making changes to the way they handle information and carry out their marketing.

## **ENDS**

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