



BOTLHOLE
LAW GROUP

IN ASSOCIATION WITH

NEILL ARMSTRONG

ATTORNEYS, NOTARIES & CONVEYANCERS
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**INFORMATION AND
DATA PROTECTION
COMMISSIONER**

POWERS & FUNCTIONS

APPOINTMENT OF THE COMMISSIONER

The Commissioner of the Information and Data Protection Commission was sworn into office on the 10th of March 2022 by the Minister of Presidential Affairs, Governance and Public Administration in accordance with Section 6(2) of the Data Protection Act ("the Act").

POWERS

The Commissioner may, in the performance of the functions of the Commission

- authorise any officer of the Commission to conduct an investigation of any alleged breach of the provisions of this Act;
- require any person, at any specific time, to provide any information required in the process of an investigation conducted under this Act;
- order or direct an officer of the Commission to block, erase or distribute personal data, whichever is applicable; or
- do all such things as are necessary to protect the personal rights of individuals with regard to their personal data.

SPECIFIC FUNCTIONS IN RELATION TO PROCESSING PERSONAL DATA

- The Commissioner has a right of access to information regarding personal data that is processed by a data controller and/or data processor and any information or documentation relating to the processing of personal data, and security safeguards of such processing.
- The Commissioner is empowered to seek rectification of any personal data processed by a data controller and/or data processor.
- The Commissioner may order deletion of any personal data processed by a data controller and/or data processor.
- The Commissioner may, either on his or her own initiative or upon receipt of information or a complaint from any person, commence an investigation, where the Commissioner has reasonable grounds to suspect that-
 - there is interference with the protection of personal data;
 - the rights of a data subject are being infringed upon; or
 - personal data is not processed in accordance with this Act.

COMPLIANCE BEFORE THE END OF THE TRANSITION PERIOD

The transition period for compliance with the Act will lapse on the 14th of October 2022. As a data controller and/or data processor ensure that your processes, procedures and/or policies are adequately setup to avert the impending risk of non-compliance. Most importantly ensure that organisational transformation from a culture and people perspective is taken care of to reduce lack of adherence to the processes, procedures and/or policies that will be implemented. Training of employees is a vital aspect of organisational transformation.

Our Technology, Media and Telecommunications team are available to assist with any questions regarding compliance with the Act.

Our trusted team's credentials

