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Unpacking personal information

Personal information versus information

“Personal information” is defined in [section 1](#) of the Protection of Personal Information Act 4 of 2013 (POPIA) as information relating to:

- an identifiable, living natural person; or
- an identifiable, existing juristic person.

The definition of personal information is significant because, if information does not qualify as “personal information”, then it is simply “information” which is not protected by POPIA.

“Information”, in this context, means data or other information which does not identify a living natural person or an existing juristic person and which cannot be used, by reasonable means, to identify such persons.

Personal information versus confidential information

It is necessary to distinguish between personal information and confidential information. Personal information is a broader category – all personal information is confidential, but not all confidential information is personal. For example, a confidential business plan may not contain any personal information.

Characteristics of personal Information

Personal information under POPIA has a number of important characteristics:

Not limited to electronic information

Personal information is not limited to electronic information and includes information saved on a range of media, from information saved on computers and servers to more ‘traditional’ paper-based records.

Personal information may be mixed

In practice, personal information may be mixed with non-personal data making it more difficult to identify the personal information ‘hidden’ amongst the non-personal data. For example, a hospital’s server may contain test results, along with the names and contact details of patients. The test results themselves are not personal information, but combined with patient names and contact details the test results become personal information. It is important to be alert to this possibility.

Personal information is dynamic

Data may not constitute personal information on its own (ie the data may not identify a Data Subject), but it may be possible to combine this data with other data to form personal information.

Effectively, this means that non-personal data may be combined in a manner which allows the Data Subject concerned to be identified. For example, the fact that “someone” bought a pair of shoes from an online retailer for R359 is not, on its own, personal information. However, if it becomes possible to link this information to an online identifier (which reveals the customer’s IP address or another identifier), then the information relating to the purchase of shoes becomes personal information.

A wide range of sources

Personal information is generated from a surprisingly wide range of sources. Some examples include:

- bank records;
- hospital records;
- CCTV footage;
- supplier records; and
- biometric access control records.

Categories of personal information

POPIA provides a non-exhaustive list of categories or types of personal information (see the definition of [“personal information”](#) in [section 1](#)). POPIA specifically provides that “personal information” includes but is not limited to, these categories.

See [Checklists: Identifying personal information checklist](#)

Also see [Other resources: Types of personal information and processing](#)

The types of personal information listed in POPIA are not categorised, but it can be useful to place this information into categories as follows:

Category 1: Names

The names of a Data Subject will be regarded as personal information if the following requirements are met:

- The name must appear with other personal information relating to the person. For example, a name will constitute personal information if it is linked with a telephone number or physical address; or
- The disclosure of the name itself must reveal information about the person. This might be the case, for example, when the person concerned is well-known.

Category 2: Identifying numbers or symbols

Identifying numbers or symbols would include, for example, an identity number or passport number.

Category 3: Online identifiers

POPIA does not define the term "online identifier", but the EU General Data Protection Regulations define this term as traces left by the online activities of Data Subjects. This is significant because online identifiers may be combined with the "unique identifiers" in order to identify and profile Data Subjects.

Category 4: Contact details

Contact details would include email addresses, physical addresses, telephone numbers and location information, such as GPS co-ordinates.

Category 5: Demographics

Some examples of the items included in this category are:

- Colour or race;
- National, ethnic or social origin;
- Age;
- Culture; and
- Language.

Category 6: Gender and Sexuality

This category includes:

- Gender;
- Sex;
- Sexual orientation;
- Pregnancy; and
- Marital status.

Category 7: Health

Information relating to physical or mental health, well being and disability will clearly constitute personal information.

Category 8: Biometrics

POPIA defines biometrics as a technique of personal identification based on physical, physiological or behavioural characterisation. Examples of biometrics include:

- Blood typing;
- DNA analysis;
- Finger print scanning;

- Retinal scanning; and
- Voice recognition.

Category 9: History

This category includes educational history and financial, criminal or employment history.

Category 10: Belief or opinion

This is a wide-ranging category which includes:

- personal opinions, views or preferences regarding religion, conscience or belief; or
- views or opinions of another individual about a person.

Category 11: Correspondence

This category includes private or confidential correspondence, regardless of whether the correspondence is explicitly private or confidential.

Additional levels of personal information

POPIA provides for two sub-sets of personal information which are regarded as having increased or heightened sensitivity and, as a result, are given higher levels of protection.

Level 1: Special personal information

Special personal information is personal information concerning:

- Religious or philosophical beliefs;
- Race or ethnic origin;
- Trade union membership
- Political persuasion;
- Health or sex life;
- Biometric information; and
- Criminal behaviour (relating to an alleged offence by Data Subject or any criminal proceedings against a Data Subject).

See [Guidance note: Special personal information](#) for more information

Level 2: Personal information relating to children

POPIA defines a child as a natural person under the age of 18 years who is not legally competent to consent to any action or decision. Any personal information regarding a child is provided with enhanced protection under POPIA.

See [Guidance note: Personal information relating to children](#)