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## Accountability

### The rule

[Section 8](#) of the Protection of Personal Information Act 4 of 2013 (POPIA) allocates to the Responsible Party the responsibility for ensuring the lawful processing of personal information (see [Guidance note: The Responsible Party](#))

### How to determine when accountability arises

The Responsible Party is accountable for ensuring compliance both:

- at the outset, when the purpose and means of processing the personal information is determined; and
- during processing.

(See [section 8](#) of POPIA)

This suggests that the Responsible Party retains accountability for the entire information life cycle, from collection to destruction (see [Guidance note: Unpacking processing](#))

### How to hold Responsible Parties accountable

The Information Regulator is empowered to hold Responsible Parties accountable in a number of ways, including:

- issuing assessment notices and enforcement notices, which effectively compel compliance;
- assisting Data Subjects with civil action against Data Subjects;
- issuing administrative fines or referring Responsible Parties for prosecution; and
- publicising the information management practices of Responsible Parties.

See [Guidance notes: The Information Regulator](#) and [Enforcement and the Information Regulator](#)

### Implications for outsourcing

The Responsible Party remains accountable for compliance even when an Operator has been appointed. POPIA places very few statutory obligations on an Operator and the bulk of the responsibility remains with the Responsible Party. In terms of POPIA, Operators must:

- have authorisation from a Responsible Party before processing personal information; and
- must treat personal information as confidential and refrain from disclosing that personal information.

(See [section 20](#) of POPIA)

Given the heavy burden placed on Responsible Parties, it is important for Responsible Parties to enter into appropriate Information Processing Agreements with their Operators to ensure, not only that the Operators are authorised to process the personal information, but also that appropriate legal, business and technology risk is allocated to the Operator.

See [Guidance notes: The Responsible Party](#) and [The Operator](#)

See also [Checklists: Drafting an information processing agreement checklist](#)