

Guide To
Navigating
POPI

MALL

MART

July 2014

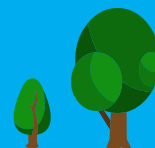
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Introduction



The introduction of the Protection of Personal Information Act (POPI) puts the onus on companies and individuals to respect and protect the personal information they process in the course of routine business, including personal information of customers, prospective customers, employees, and suppliers. It is not limited to people but also applies to information about organisations, including communities and corporate entities.

POPI has already been passed into law, but the act provides for a one-year grace period for businesses to become compliant. At the publishing date of this guide, the one-year grace period had not yet commenced due to its pending announcement.

The header features a stylized illustration of a road with a dashed white line. On the road, there is a red car on the left and an orange car on the right. Above the road, there are two green trees. To the right of the road, there is a blue building with the word 'MART' on its side. The background is a solid blue color.

About this Guide

This guide provides a summary of some of the important areas in the POPI Act that Everlytic customers should be aware of in order to become compliant. We include general guidelines on storage and processing of personal information for the purposes of direct marketing as well as specific guidelines on how to utilise Everlytic features to comply.

Please Note: This is not a comprehensive guide to POPI, nor should it be considered any form of legal advice.

Foolish Assumptions:

In writing this guide, we assume a few things:

- You are currently a user of Everlytic's software
- You want to make sure that you are compliant with the POPI Act and do NOT want to receive a fine of up to R10 million or face 10 years jail time.

Icons Used in this Guide:

This guide uses the following colour boxes to call to your attention information you may find helpful:

TIP

Small tips to make your journey to compliance a bit easier.

WARNING

Pay attention to this information, to save yourself a headache or possibly even a couple of million cents.

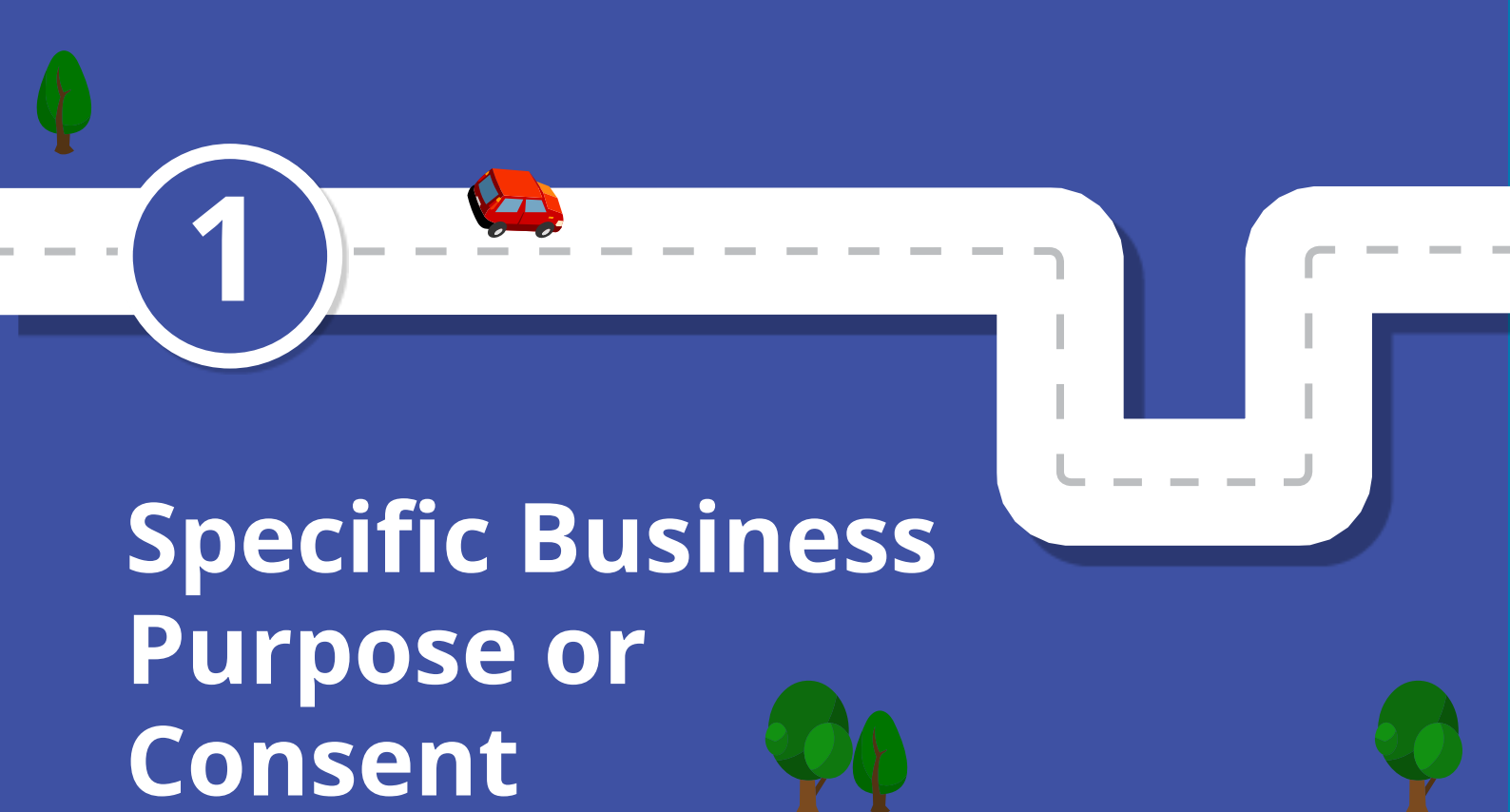
EVERLYTIC

This shows you how an Everlytic feature can make your "compliance" life easier.

An isometric illustration of a green landscape. A white road with dashed lines runs horizontally across the top, then turns 90 degrees to the right. A yellow taxi is on the horizontal section, and a red car is on the vertical section. In the center, there is a large orange circle with the number '10' in white. To the left of the circle is a blue and orange building labeled 'SHOP'. To the right is a grey and red building labeled 'SHOP'. In the background, there is a tall brown building labeled 'TRASH' and a person walking. Several green trees are scattered throughout the landscape.

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Points to Consider on the Road to POPI Compliance



1

Specific Business Purpose or Consent

POPI requires you to have a particular business purpose for the storage of personal information or explicit consent from the subject.

Storing an email address or cell phone number of a recipient who has opted into a newsletter is considered acceptable, but recording someone's religious affinity may not be.



TIP

Keep an ongoing compliance document which details why your business needs each information field and be prepared to be able to substantiate for each field beyond the standard "because it is nice to have."

EVERLYTIC

Everlytic stores the date and time that a recipient subscribes to your newsletter which can be used as proof of consent.



2

Maintain the Quality of Your Data

Personal information must be kept up-to-date and a process must be in place to allow an individual to request and update his or her personal information. If the personal information is no longer being used for a particular business purpose it must be deleted or de-identified so that it cannot be associated back to an individual or company.

If you have a list of contacts that you have stopped communicating to, this must be deleted. If, however, you have an email address or cell phone number of a recipient who has unsubscribed from a list or complained about spam, you can legitimately retain this information to ensure the contact is always filtered out of any communication.



TIP

Consider having a permanent option on your mailers to make it easy for your customers to update their details.

EVERLYTIC

Update profile feature: one click real-time updating of personal information directly into the database.



3

Keep Accurate Records of all Processing

POPI requires that records be kept of what is done with the personal information. This will include all processing such as when the contact was imported or subscribed, when you sent the contact emails or SMSes, or when they unsubscribed.

TIP

It is important to have this information on hand should you receive complaints from the recipients who believe your company may have or "has" contravened the act.

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Contact reporting – detailed log and message archives of every interaction you have had with a contact including the date they subscribed, updated their profile, received messages and unsubscribed.

SMS on bounce – notifies a contact that their email address bounced and allows them to send an updated email address via SMS which will automatically update their details on the database.



4

Ensure Safety and Security of Data

Ensuring the safety and security of data at all times becomes crucial to comply with POPI. Security procedures must be in place for passwords and individuals who have access to any system where the data is stored.

These security measures must extend to all internal processes to ensure compliance when personal information is handled outside of the system. For example, if you email contact lists internally.

TIP

You can enhance your security features by IP locking access systems to specific areas such as inside your building.

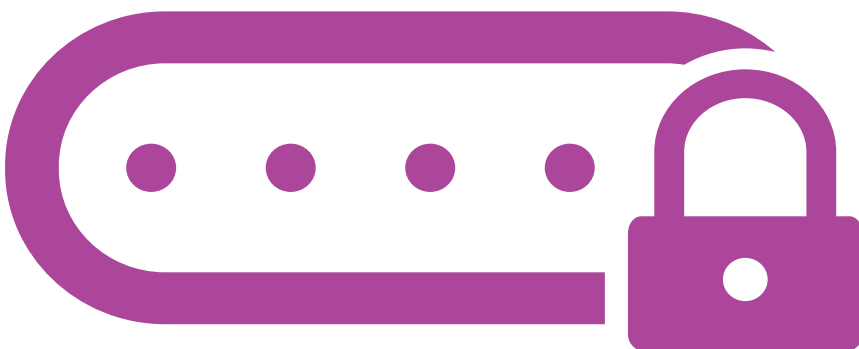
EVERLYTIC

IP locking of application:

restrict access outside of your building even if passwords are lost.

Login failure notifications:

the administrator of the account can set up notifications on failed login attempts. Should this happen the logins may be investigated and reset.



5

Get Consent to Store Data Offshore

Many service providers in South Africa store their data in the USA. Under POPI, you are required to get consent to store personal information outside of the borders of South Africa.

This can be obtained from your contacts by including a clause in your privacy statement on your website

or referring to it when recipients subscribe to your newsletter. You can also refer to it in the footer of your emails to gain consent from existing subscribers.



TIP

Be sure to check and understand in which country all your company's data is being stored, so that you can take the necessary actions to comply and avoid any potential fines.

EVERLYTIC

At Everlytic, all data is stored locally when you select our POPI compliant local solution.

Alternatively our data is stored in the US and you would have to inform your clients accordingly.



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Consent must be Obtained to Communicate to Prospective Customers

While best practice email and SMS marketing has always worked this way, the law now compels us to do so. It is now against the law to use direct marketing tactics to sell to a prospective customer without their consent.

You may however contact a recipient once, to obtain this consent (an opt-in campaign) and if they do not explicitly provide you

with consent all future communications must cease. Once a recipient opts-in, a method of unsubscribing must be provided as is the current standard practice.

TIP

The double opt-in process can be used which will send the recipient a further mail to confirm their opt-in. This prevents false subscriptions (subscribing with someone else's email address).

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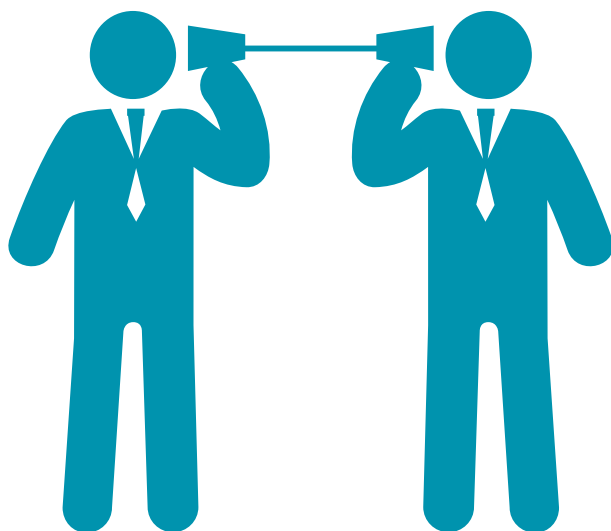
Double opt-in – automatically send a confirmation mailer when a client subscribes to a newsletter to prove consent and avoid false subscriptions.



7

General Consent Versus Specific Consent

Under POPI you will need to get consent for the direct marketing of specific products / services or ranges of products / services. You may not market other unrelated products / services. For example, if a prospect opts-in to receive travel deals, you cannot market beer to them. Provide a detailed description of what information subscribers will receive on your subscription web-form to avoid any confusion.



TIP

Your initial communication to prospects should accordingly be wide enough to encompass all ranges or future ranges of products / services you will be communicating to them about. A commonly used tactic is providing the prospective with a tick box list of items, which you offer for them to indicate what they would like to hear about.

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Click triggers: You can set Everlytic up to automatically subscribe someone to a list if they click on a link inside a mailer. This is useful to get subscribers to opt-in to newsletters with different content. The system keeps a log of people that subscribed on the link as proof of consent.

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Direct Marketing to Customers

Direct marketing to customers is permitted under POPI without having to get their explicit consent. All other rules still apply though, including being able to only market similar products or services to them.

TIP

Ask for consent to market to your customer at the point of sale, i.e. put a tickbox on your sign up form, contracts or quotations.



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Transparency of the Sender

All communications must include the identity and contact details of the sender. Ensure that your company information is a standard part of every email you send. It is also good practice to ensure that your email footer has a complaints link to provide recipients with an option to complain to you if they feel a violation of their privacy has occurred. It is better to receive these complaints and deal with them directly rather than to be reported to the authorities.



TIP

Ensuring that your mailer is well branded is not only good marketing but also removes any doubt in the consumer's mind as to who they are receiving the communication from.

EVERLYTIC

Complaints handling: One click complaint reporting and integrated spam feedback loops with major web email clients (e.g. Yahoo, Hotmail) and active complaints monitoring by our reputation team.

Default footer: One click and Everlytic will automatically append a POPI compliant footer at the end of every email you send including the full details of the sender.



Buying of Databases

Purchasing contact information from a third party vendor has never been allowed by Everlytic, but the law has up until now not restricted it. The POPI act states that a vendor may only pass on information to a third party if they have permission from the recipients to do so. If a marketer receives a database from a vendor (even if they have never sent a message to that database), the vendor may already have infringed POPI and thus you too would be held liable.

TIP

Do not accept a database from a third party unless you know the vendor has explicit permission from the recipients to pass their personal information on.

EVERLYTIC

Everlytic has never allowed the purchasing of contact information from a third party vendor. This was done in order to protect the reputation of our senders as well as to avoid being blacklisted by mail hosting companies. Users are asked to tick to agree to the spam policy when they upload their database to ensure they understand they can't upload bought databases.





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**If you like what you see and would like
to know more about Everlytic...**