

POPI: The dawn of a new marketing era

 By [Nick Durrant](#)

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With the advent of the Protection of Personal Information Bill (POPI) that has been passed into law, it is essential for marketers and entrepreneurs alike to understand the impact that this Act will have on the way in which we conduct business.

Instead of passively complying with it, the better approach would be to proactively engage it and let it guide your strategic objectives to gain an upper hand in the market.



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What is the purpose of POPI?

Discussions around POPI have been going on for some time now and the intent of the Bill is to protect the right to privacy of the processing of personal information, as well as to balance the right to privacy against other rights, such as the right of access to information.

Direct marketers will feel the biggest impact because the processing of information for direct marketing is now deemed illegal unless the company has gained the requisite consent from the person involved and as a consequence, platforms such as email and database- marketing will be heavily influenced by POPI.

How will POPI affect me, and you?

Aligning with POPI in the correct way will mean that your marketing campaign will not adhere to any spam - something which the Bill addresses in Chapter 8. This basically regulates the rights of persons in respect of automated decision-making and unwelcome electronic communication.

Chapter 8 in the Bill further deals with the fact that if a respondent does not respond to a reasonable party's invitation to receive or make use of the party's direct marketing, that party may not contact the consumer again. Traditionally this is seen as the opt-in and opt-out tactic which allows the consumer to choose whether or not they would like to be privy to receiving marketing.

Organisations who pave the way in the market for POPI Bill compliance will earn the desired consumer's respect and loyalty - key components in gaining brand loyalty. By adopting the principles of the POPI Bill, organisations can dig deeper into existing customer data by building a customer-focused strategy. Information gained from customers and markets through data analysis of personal information, when obtained in compliance with POPI, is marketing gold.

How to become compliant

First and foremost, your customer database of personal information will need to be updated in accordance with the POPI Bill which will illustrate your dedication to serve the customer with considered and current marketing methods.

Use the following POPI Bill implementation checklist to check your compliance:

- Audit the processes used to collect, record, store, disseminate and destroy personal information. Prevent the information from being lost or damaged, or unlawfully accessed.
- Define the purpose of the information gathering and processing.
- Limit the processing parameters.

- Take steps to notify the individual whose information is being processed and for what purpose.
 - Processing by a third party must be compatible with the purpose for which the data was initially collected.
 - Ensure information is complete, accurate and not misleading.
 - Notify the Information Protection Regulator (when one is established after the Bill is enacted) that you have been processing personal information.
 - Accommodate data subjects' requests to know what third parties have access to their information.
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- Know the restrictions for sending personal information out of South Africa.

The risks of not complying with the POPI Bill are far-reaching and it's in our best interests to ensure that we all comply and create an environment that is conducive to constructive marketing with the customer's interests at heart.

ABOUT NICK DURRANT

Nick Durrant is MD at Bluegrass Digital, a digital production agency. We work with marketing teams and creative agencies around the world delivering digital platforms. After spending 15 years in working the industry in the UK and setting up the business in London in 1999, Nicholas now runs the business from Cape Town, developing the business in Africa and Europe.

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