



**INFORMATION  
REGULATOR  
(SOUTH AFRICA)**

*Ensuring protection of your personal information  
and effective access to information*

**THE ENFORCEMENT COMMITTEE**

## **1. PURPOSE**

- 1.1 The Enforcement Committee is established in terms of section 50 of the Protection of Personal Information Act 4 of 2013 (POPIA). Its mandate and functions are outlined in Section 92 (1) and Section 93 of POPIA and Section 77(c) (1) b of the Promotion of Access to Information Act 2 of 2000 (PAIA).
- 1.2 The Committee:
  - 1.2.1 must consider all matters referred to it by the Information Regulator (Regulator) in terms of section 92 of POPIA or PAIA and make a finding in respect thereof;
  - 1.2.2 may make any recommendation to the Regulator necessary or incidental to any action that should be taken against:
    - 1.2.2.1 a responsible party in terms of POPIA; or
    - 1.2.2.2 an information officer or head of a private body in terms of PAIA.

## **2. AUTHORITY**

The Committee must make recommendations to the Members of the Information Regulator "Members".

## **3. COMPOSITION OF THE COMMITTEE**

- 3.1. The Committee must be composed of five (5) members namely: Chairperson, one (1) Member and three (3) ordinary members appointed by the Regulator in consultation with the Minister of Finance.
- 3.2. The Regulator must:
  - 3.2.1. in consultation with the Chief Justice and the Minister of Justice and Correctional Services appoint a Judge of the High Court of South Africa, whether in active service or not; or a Magistrate with at least ten (10) years' experience, whether in active service or not; or

3.2.2 an Advocate or Attorney with at least ten (10) years appropriate experience.

3.3. Of the three (3) additional members, one must be an expert on PAIA and the other member an expert in POPIA and the third remaining additional member must be a senior legal practitioner with ten (10) or more years of experience in adjudication of matters of this nature.

3.4. The additional members of the Committee must also comply with the following requirements: the members must be fit and proper persons; South Africa citizens, not be public servants; not be members of Parliament or any Provincial or Municipal council; not be an office bearer of a political parties; not be rehabilitated insolvents or not ever have been found to be mentally unsound and must not have ever been convicted of any act of dishonesty in the Republic or elsewhere.

#### **4. DURATION OF THE COMMITTEE**

The Committee will be established for the duration of 3 (three) years.

#### **5. MEETINGS OF THE COMMITTEE**

##### **5.1 Frequency of meetings**

5.1.1 The meetings of the Committee must be convened frequently as deemed appropriate and as determined by the Chairperson of the Committee.

5.1.2 Special meetings may be convened in cases of emergency; or where the matter has to be dealt with by the Committee on an urgent basis and cannot stand over to the next meeting.

5.1.3 Reasonable notice of the Committee meetings must be given to all members of the Committee.

5.1.4 Meetings may be held in person or through electronic means such as e-mail, tele-conference or video conference.

5.1.5 Every member present at a Committee meeting must sign an attendance register.

5.1.6 An agenda and supporting documents must be prepared and circulated timeously to the members of the Committee and at least 5 days before the intended date of a meeting to the members of the Committee (or such other period as agreed by Committee members).

## 5.2 Chairing of Meetings

5.2.1 The Chairperson of the Committee is appointed by the Members.

5.2.2 The Chairperson must convene and chair the meetings.

## 5.3 Quorum

5.3.1 At least two members must be present at the meeting.

5.3.2 A Committee meeting may, however, proceed with its business irrespective of the number of Members present, but may not take a decision on any matter when there is no quorum.

## 5.4 Decision – Making

5.4.1 The decisions are taken by consensus. Dissenting views must be recorded and referred to the Members.

5.4.2 Resolutions adopted at the Committee meeting are binding on all Committee members.

## 5.5 Right to Vote

Only Members have the right to vote.

## 6. SECRETARIAT

- 6.1 The Chairperson, in consultation with the CEO must, designate employees to assist the Committee with the administrative and secretarial work arising from or connected with the performance of the functions of the Committee.
- 6.2 Minutes of all Committee meetings must be kept by the duly appointed secretariat of the meeting.
- 6.3 Minutes of the meetings of the Committee must record in sufficient detail the matters considered by the Committee and decisions reached, including any concerns and views raised by members.
- 6.4 Draft and final versions of minutes of such meetings should be sent to members of the Committee for comment and record respectively.
- 6.5 Adopted minutes must be signed by the Chairperson of the Committee.

## 7. REPORTING

The Committee must report to the Members through its Chairperson.

## 8. REVIEW AND EVALUATION

The Committee Members must annually review and evaluate the adequacy of its Committee and recommend any proposed changes to the Members for approval.

Signed by Chairperson 

on the day 18<sup>th</sup> of APRIL 2017.