



**INFORMATION
REGULATOR
(SOUTH AFRICA)**

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

DISCLOSURE OF INTERESTS POLICY AND FORMS

V2 of 2017

1. PURPOSE OF THE POLICY

The purpose of the Disclosure of Interest Policy for Members of the Information Regulator (Regulator) is to:

- 1.1 give effect to section 45 of the Protection of Personal Information Act 4 of 2013 (POPIA)
- 1.2 prescribe the disclosure of interest forms which must be completed by Members of the Regulator (Members).

2. LEGAL FRAMEWORK

2.1 Definitions

“an associate” means a person who or an entity which is in a commercial partnership with a Member;

“close family” means a spouse, life partner or civil union partner of a Member; a child of a Member, including a step child, adopted child and a child born out of wedlock; a parent or step parent of a Member.

2.2 Legislative Provisions

In terms of Section 45 (1) of POPIA:

“(1) If any member of the Regulator or any person appointed by the Regulator in terms of this Act has a material interest in any matter which could conflict with the proper performance of his or her duties in terms of this Act or the Promotion of Access to Information Act, he or she must disclose that interest, as prescribed, as soon as practicable after the facts came to his or her knowledge.

(2)(a) If a member of the Regulator or person referred to in subsection (1)-

- (i) is present at a meeting of the Regulator or committee referred to in section 49 and 50 at which a matter contemplated in that subsection is to be considered, the member or person concerned must disclose the nature of his or her interest to the meeting before the matter is considered; or*

(ii) *fails to make a disclosure as required by this subsection and is present at a meeting of the Regulator or committee, as the case may be, or any other manner participates in the proceedings, such proceedings, such proceedings in relation to the relevant matter must, as soon as the non-disclosure is discovered, be reviewed and be varied or set aside by the Regulator or committee, as the case may be, without the participation of the member or person concerned.*

(b) A member of the Regulator or person referred to in subsection (1) who is obliged to make a disclosure in terms of this subsection may not be present during any deliberation, or to take part in any decision, in relation to the matter in question.

(c) Any disclosure made in terms of this subsection must be noted in minutes of the relevant meeting of the Regulator or committee.

(3) A member of the Regulator or person referred to in subsection (1) who has disclosed a conflict of interest in terms of subsection (1) –

(a) may perform all duties relating to the matter in question if a decision has been taken that interest is trivial or irrelevant; or

(b) must be relieved of all duties relating to the matter in question and such duties must be performed by another member of the Regulator or by another person referred to in subsection (1), as the case may be, who has no such conflict of interest’.

3. DECLARATION

If a Member or his or her close family or an associate has any direct or indirect interest in business dealings with the Regulator, or any direct or indirect interest in any company or entity which has business dealings with the Regulator, the Member must declare such interest as soon as the Member becomes aware of it.

4. CONTEXT

4.1 To give effect to section 45 of POPIA and in compliance with principles of sound, transparent and accountable governance, Members of Regulator shall be required to declare their interests by recording it in the declaration of interest form.

- 4.2 Members should declare their interest in accordance with the above statutory and policy frameworks with regard to the following:
- 4.2.1 Shares and other financial interest in Business Entities;
 - 4.2.2 Directorships in Companies, Councils, Close Corporations and Trusts; and
 - 4.2.3 Remunerative work, Consultancy and Retainership for Full-Time Members.
- 4.3 Each Member must complete the attached prescribed annual disclosure of interest form, which must be submitted at the beginning of each financial year.
- 4.4 The completed forms shall be kept on file by the Chairperson of the Regulator.

5. CONFLICT OF INTEREST AT MEETINGS

- 5.1 At the beginning of each meeting or Committee meeting of the Regulator each Member must complete the attached prescribed meeting or Committee meeting disclosure of interest form.
- 5.2 All Members and or members of the Committee must sign the Committee disclosure of interest form at the beginning of each meeting.
- 5.3 A Member shall leave the meeting as soon as the matter related to the conflict of interest is liberated. If a Member becomes aware of any conflict of interest, the Member must declare and recuse himself/herself from the meeting.
- 5.4 The completed conflict of interest form must be attached to the minutes.

SIGNED BY CHAIRPERSON



ON THE

21st

OF

SEP.

2017.

ANNUAL DISCLOSURE OF INTERESTS FORM

I, the undersigned,

FULL NAMES:

BUSINESS ADDRESS:

.....

.....

Tel (W):

With due knowledge and consideration of the provisions of the Protection of Personal Information Act 4 of 2013, do hereby disclose my interests as set out below. I further declare that the information provided below is, to my best knowledge, accurate and complete.

.....

SIGNATURE

.....

DATE

SCHEDULE

1. Shares and other financial interests in a Business Entity (see paragraph 4.2.1 above)

NUMBER OF SHARES/ MEMBERS INTEREST	VALUE OF SHARES/ MEMBERS INTEREST	NAME OF INSTITUTION/ BUSINESS ENTITY

2. Directorships in Companies, Councils, Close Corporations and Trusts (see paragraph 4.2.2 above)

ORGANISATION	POSITION	PERIOD

MEETING DISCLOSURE OF INTEREST FORM

DATE OF MEETING

NAME	DO YOU HAVE ANY INTEREST TO DISCLOSE (YES/NO)	IF YES PLEASE STATE THE NATURE OF THE INTEREST	SIGNATURE

**COMMITTEE MEETING DISCLOSURE
OF INTEREST FORM**

DATE OF COMMITTEE MEETING

NAME	DO YOU HAVE ANY INTEREST TO DISCLOSE (YES/NO)	IF YES PLEASE STATE THE NATURE OF THE INTEREST	SIGNATURE