

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 7198

6 March 2026



**INFORMATION
REGULATOR
(SOUTH AFRICA)**

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

GOVERNMENT NOTICE**INFORMATION REGULATOR**

No. R.

2026

**THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF
2013): REGULATIONS UNDER SECTION 112(2)(c) OF THE PROTECTION OF
PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

I, Adv Pansy Tlakula, Chairperson of the Information Regulator, hereby, under section 112(2)(c) of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013), make the Regulations in the Schedule.

F.D.P. TLAKULA

Adv Pansy Tlakula

CHAIRPERSON: INFORMATION REGULATOR

Date: 27 February 2026

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CHAPTER 1

DEFINITIONS

1. DEFINITIONS

In these Regulations, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and, unless the context otherwise indicates:

“administrative bodies”

means any responsible party who processes health information of a data subject in implementing laws, regulations and the reintegration of or support for workers or persons entitled to benefit in connection with health covers;

- “benefit”** means, for the purpose of these Regulations, a payout or other form of compensation or reimbursement or medical cover due and payable in terms of an obligation in law, insurance policy, or contract;
- “employer”** means a person, company, or organisation that pays others to work for them, often under their direction, in exchange for wages or a salary, forming a contractual relationship for work;
- “health information”** means personal information relating to the physical and/or mental health of a data subject, including the provision of healthcare services and/or any testing, treatment, and diagnosis which reveals information about the data subject’s health status;
- “insurance company”** means a company that provides and sells insurance;
- “insurance policy”** has the meaning ascribed thereto in the Insurance Act, 2017 (Act No. 18 of 2017);
- “managed healthcare”** means clinical and financial risk assessment and management of health care, with a view to facilitating appropriateness and cost-effectiveness of relevant health services within the constraints of what is affordable, through the use of rules-based and clinical management-based programmes as referred to in the Regulations of the Medical Schemes Act GNR.1360 of 2002 with effect from 1 January 2003;
- “managed healthcare organisation”** means a person who has contracted with a medical scheme in terms of regulation 15A to

provide a managed healthcare service as referred to in the Regulations of the Medical Schemes Act GNR.1360 of 2002 with effect from 1 January 2003;

“medical scheme” means any medical scheme registered under section 24(1) of the Medical Schemes Act, 1998 (Act No. 131 of 1998);

“medical scheme administrator” means any person who has been accredited by the Council in terms of section 58 of the Medical Schemes Act, 1998 (Act No. 131 of 1998);

“pension fund” means a pension fund organisation, as referred to in section 1 of the Pension Funds Act, 1956 (Act No. 24 of 1956), and section 1 of the Income Tax Act, 1962 (Act No. 58 of 1962); and

“the Act” means the Protection of Personal Information Act, 2013 (Act 4 No. of 2013).

CHAPTER 2

PURPOSE OF THE REGULATIONS

2.1 The primary purpose of these Regulations is to:

- 2.1.1 Assist responsible parties to interpret section 32(6) of the Act correctly;
- 2.1.2 provide better transparency to data subjects on the manner in which their health information may be used; and
- 2.1.3 provide a framework to the Information Regulator regarding the enforcement mechanism for the processing of health information of data subjects as provided for in section 32(6) of the Act.

SCOPE OF APPLICATION

3.1 These Regulations shall apply to the processing of health information by the following responsible parties and applicable operators:

- 3.1.1 Insurance Companies;
- 3.1.2 Medical Schemes;
- 3.1.3 Medical Scheme Administrators;
- 3.1.4 Managed Healthcare Organisations;
- 3.1.5 Administrative Bodies;
- 3.1.6 Pension Funds;
- 3.1.7 Employers; and
- 3.1.8 Institutions working for employers, administrative bodies or pension funds.

3.2. Reference to the responsible parties in these Regulations shall refer to the responsible parties specified in sub-regulations 3.1.1 to 3.1.8.

CHAPTER 3

PROCESSING OF SPECIAL PERSONAL INFORMATION BY CERTAIN RESPONSIBLE PARTIES

4. Authorisation concerning the processing of data subject's health information

- 4.1. A responsible party may, subject to section 27 of the Act, not process personal information concerning the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject.

5. Appropriate safeguards

- 5.1. The responsible party that processes health information shall be responsible for maintaining the confidentiality, integrity and availability of such information in its possession or under its control by taking appropriate, reasonable technical and organisational measures in accordance with section 19(1) of the Act to prevent:
- 5.1.1. Loss of damage to or unauthorised destruction of health information; and
 - 5.1.2. Unlawful access to or processing of health information.
- 5.2. The safeguards to be maintained under sub-regulation 5.1. must include appropriate measures for -
- 5.2.1. the security and confidentiality of records, which measures must address the risks associated with physical or electronic health records; and
 - 5.2.2. the proper disposal of health records to prevent any reasonably anticipated unauthorised use or disclosure of the health information or unauthorised access to the health information following its disposal.
- 5.3. Processing of health information must be undertaken subject to a duty of confidentiality imposed by law, office, employment, profession, or written agreement, as contemplated in section 32(2) of the Act.

- 5.4. The responsible party must implement and maintain appropriate and reasonable technical and organisational measures to ensure the integrity and confidentiality of health information, in line with generally accepted information security practices applicable to its sector or industry, as contemplated in section 19 of the Act.

6. Transfer of personal information outside the Republic

- 6.1. The responsible party is prohibited from transferring the health information of a data subject to a third party in a foreign country unless one or more of the requirements set out in section 72(1) of the Act are met.

CHAPTER 4

7. Short title and commencement

- 7.1. These Regulations shall be called the Regulations relating to the Processing of Data Subjects' Health Information by Certain Responsible Parties, 2026.
- 7.2. These Regulations commence on the date of publication in the *Gazette*.