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FREE GUIDE · POPIA & DATA

POPIA privacy notice vs privacy policy: what's the difference?

A privacy notice faces outward: it tells customers, website visitors, employees and others what personal information you collect, why, who you share it with and what their rights are. Section 18 of POPIA requires you to give people this information when you collect their personal information. An internal privacy policy faces inward: it sets the rules your staff must follow when handling personal information. People often use "privacy policy" to mean the public notice, which causes confusion, but most businesses need both documents.

REVIEWED BY THE ELS TEAM

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AT A GLANCE

- A **privacy notice** is for the people whose information you collect.
- An **internal policy** is for your staff.
- Section 18 requires the notice **before you collect** information directly from someone.
- Most businesses need **both**.

The difference at a glance

	PRIVACY NOTICE	INTERNAL PRIVACY POLICY
Who reads it	Customers, visitors, applicants, employees, suppliers	Your staff and management
Purpose	Tells people how you use their information	Tells staff how to handle information
Legal basis	POPIA section 18 (openness)	Supports the Information Officer's compliance framework and security duties
Where it lives	Website, forms, app, onboarding documents	Internal handbook or intranet

What a privacy notice must tell people

When you collect personal information, section 18(1) requires you to take reasonably practicable steps to make sure the person knows:

1. What information is collected, and where it comes from if not from them.
2. Your name and address.
3. Why you're collecting it.
4. Whether providing it is voluntary or mandatory.
5. What happens if they don't provide it.
6. Any law that requires or authorises the collection.
7. Whether you intend to send it outside South Africa, and the level of protection there.
8. Further information to make processing fair, such as recipients, their rights to access, correct and object, and to complain to the Information Regulator.

When to give it

If you collect information directly from the person, give the notice before you collect it. If you collect it from someone else, give it as soon as reasonably practicable afterwards. Section 18(4) lists limited exceptions.

What a good notice also covers

- Your Information Officer's contact details.
- How long you keep information, or how you decide.
- How you protect it.
- Cookies and similar tracking on your website.
- Direct marketing and how to opt out.

What an internal privacy policy covers

The internal policy turns POPIA's eight conditions into everyday rules for your team:

- Who may access which information, and on what basis.
- How information is stored, shared and sent securely.
- How long records are kept and how they're destroyed.
- How to handle requests from people who want to see or correct their information.
- What to do if there's a data breach or suspected breach.
- Rules for operators such as payroll, IT and cloud providers.
- Training and the Information Officer's role.

> **Why it matters.** If the Information Regulator ever investigates, an internal policy that your team actually follows shows you've put real measures in place.

Do you need both?

In most cases, yes. Any business that collects personal information needs a privacy notice, whether through a website contact form, a customer database or employee records. Once you have staff handling personal information, an internal policy matters, because a breach caused by staff is still your responsibility.

Five common mistakes

1. **Copying a GDPR privacy policy.** It won't reflect POPIA, the Information Regulator or South African rights.
2. **Publishing a notice nobody can find.** Link it from every form and your website footer.

3 **One document trying to do both jobs.** Public notices and staff rules have different audiences.

4 **Not mentioning cross-border transfers.** Cloud and email services often store data outside South Africa.

5 **Never updating it.** New tools and uses need to be reflected.

Frequently asked questions

Does POPIA require a document called a privacy policy?

No. POPIA requires you to give people specific information when you collect their personal information. A privacy notice is the practical way to do that.

Do I need a privacy notice if I only have a contact form?

Yes. A contact form collects names and contact details, which are personal information.

Is a privacy notice the same as a PAIA manual?

No. The PAIA manual explains how people can request access to your records. The privacy notice explains how you use their personal information. You need both.

Do employees need their own privacy notice?

Employees are data subjects too. Many businesses give staff a separate notice, or a section of their notice, covering employee information.

Get both documents in place

The ELS POPIA Privacy Notice tells people how you use their information. The POPIA Internal Policy sets the rules for your team. For the full set, see the POPIA Compliance Pack. Not sure what you need? Take the free Legal Health Check.

SEE THE PRIVACY NOTICE

SEE THE POPIA COMPLIANCE PACK

INFORMATION, NOT ADVICE

ELS provides legal information, not legal advice. Nothing in this guide creates an attorney-client relationship. For advice on your specific situation, consult a qualified attorney. The law is stated as at 6 November 2026.

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Attorney-drafted legal documents and plain-English legal information for South African businesses. Not sure what your business needs? Take the free Legal Health Check.

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