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SOLUTIONS

FREE GUIDE · BUSINESS LEGAL HEALTH

Starting an online store in South Africa: the legal checklist

To sell online to South African consumers, you need to meet three laws at once. The Electronic Communications and Transactions Act (ECT Act) requires specific disclosures on your website and gives buyers a seven-day cooling-off right. The Consumer Protection Act (CPA) governs your terms, prices and returns. And the Protection of Personal Information Act (POPIA) applies from the first order you take, which means a privacy notice, an internal policy, written contracts with the service providers who handle your customers' data, and a PAIA manual.

REVIEWED BY THE ELS TEAM

Build on solid legal ground

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AT A GLANCE

- Three laws apply to most online stores: the **ECT Act**, the **CPA** and **POPIA**.
- Section 43 of the ECT Act lists what your site must **disclose before checkout**.
- Your payment gateway, platform and email tool are **POPIA operators** and need written contracts.
- Every private body needs a **PAIA manual**, whatever its size.

The three laws behind every online store

Most of what an online store must do comes from three Acts. They overlap, so it helps to see what each one is responsible for:

LAW	WHAT IT COVERS	WHAT IT MEANS FOR YOUR STORE
ECT Act (Chapter VII)	Online sales to consumers	The section 43 disclosure list, including the full price with delivery and taxes; a checkout where buyers can review and correct their order; the seven-day cooling-off right; and a secure payment system
Consumer Protection Act	Consumer rights generally	Plain-language, fair terms; good-quality goods and returns of defective goods; liability limits drawn to the buyer's attention
POPIA	Personal information	A privacy notice, a lawful reason for each use of data, security safeguards, operator contracts, breach reporting and the direct marketing rules

Chapter VII of the ECT Act protects consumers who are natural persons. POPIA protects everyone whose information you hold, including the contact people at business customers, so it applies even if you sell only to businesses.

The pre-launch legal checklist

1. **Decide what business details you'll publish.** Section 43 requires your full name and legal status, physical address, phone number, email and, for a company, its registration number. A trading name on its own isn't enough.
2. **Publish website terms and conditions.** They're the natural home for the section 43 disclosures, ordering, delivery, returns and liability. Read what the ECT Act and CPA require of website terms.

3 **Build the checkout to the ECT Act.** Buyers must be able to review the whole transaction, correct mistakes and withdraw before they place the order. Show the full price, including delivery and taxes, before payment.

4 **Publish a POPIA privacy notice.** Section 18 requires you to tell people what you collect and why before you collect it, so link the notice at checkout and sign-up.

5 **Adopt an internal POPIA policy.** It sets the rules your team follows for customer data, from access and retention to what happens in a breach.

6 **Sign operator agreements with your platforms.** Your e-commerce platform, payment gateway, courier and email tool process customer data for you. Sections 20 and 21 of POPIA require a written contract. See POPIA operator agreements explained.

7 **Get marketing consent right.** Use an unticked opt-in box for newsletters, and know when you may market to existing customers. See the section 69 rules for email, SMS and WhatsApp marketing.

8 **Publish a PAIA manual and register your Information Officer.** Every private body has needed a PAIA manual since 1 January 2022. Read our PAIA manual guide.

> **Secure payments are on you.** Section 43(5) of the ECT Act requires a supplier to use a payment system that is sufficiently secure for accepted technological standards and the type of transaction. Under section 43(6), the supplier is liable for any damage a consumer suffers if it doesn't.

Returns, refunds and the cooling-off right

Online stores deal with two separate return rights, and a returns policy has to respect both:

- **Cooling-off (ECT Act, section 44).** A consumer can cancel most online purchases of goods within seven days of receiving them, without a reason or penalty. You may charge only the direct cost of returning the goods and must refund within 30 days of cancellation. Section 42(2) excludes some transactions, such as goods made to the consumer's specifications and perishable goods.
- **Defective goods (CPA, sections 55 and 56).** Consumers are entitled to goods of good quality. Within six months of delivery, a consumer can return goods that fail that standard, and choose a repair, replacement or refund.

Outside those rights, you can set your own fair policy for change-of-mind returns. Just don't write a policy that says "no refunds" as if neither right existed.

The documents an online store needs

DOCUMENT	WHY YOU NEED IT	THE LAW BEHIND IT
Website terms and conditions	Holds your disclosures and the rules for ordering, delivery, returns and liability	ECT Act sections 43 and 44; CPA
Privacy notice	Tells customers what you collect, why and who you share it with	POPIA section 18
Internal POPIA policy	Sets your team's rules for handling customer data	POPIA accountability and section 19
Operator undertaking	The written contract with providers who process data for you	POPIA sections 20 and 21
Consent form	Proof of consent where consent is your lawful ground	POPIA sections 11 and 69
PAIA manual	Explains what records you hold and how to request them	PAIA section 51

Together, these six are the documents in the ELS Web & Online Pack.

Five common online store mistakes

1. **Launching with the platform's default policies.** Templates written for a global audience usually miss the section 43 list and POPIA. See whether platform policy templates are enough.
2. **Revealing delivery costs at the last step.** The ECT Act requires the full price, including transport and other fees, to be disclosed.
3. **"No refunds" notices.** They ignore the cooling-off right and the CPA's protection for defective goods.
4. **Pre-ticked marketing boxes.** Consent has to be a voluntary, specific and informed choice, which a pre-ticked box isn't.
5. **Forgetting the operators.** Customer data sitting in a mailing tool or cloud platform still needs a written contract, and may be leaving South Africa.

Frequently asked questions

Do I need a registered company to sell online?

No. Sole proprietors can sell online. But section 43 still requires you to publish your full name, legal status and a physical address, so a trading name alone won't do.

Do these rules apply if I sell through a marketplace like Takealot?

Marketplace sales usually run through the marketplace's own checkout and terms. You still supply the goods, so the CPA applies to what you sell, and POPIA applies to any customer details you receive and use.

Does the cooling-off right mean I must accept every return?

Not every return. It covers most online purchases for seven days after delivery, with the exclusions in section 42(2). The consumer pays only the direct cost of sending the goods back.

I only sell to other businesses. Which rules still apply?

Chapter VII of the ECT Act protects consumers who are natural persons, so its cooling-off and disclosure rules mainly fall away. POPIA still applies to the personal information of your customers' staff, and your contract terms carry more weight.

Get every document your online store needs

The ELS Web & Online Pack (R4,950) includes website terms and conditions, a privacy notice, an internal POPIA policy, an operator undertaking, a consent form and a PAIA manual, attorney-drafted for South African law. Bought separately, they cost R6,900. Not sure what you need? Take the free Legal Health Check.

SEE THE WEB & ONLINE PACK

TAKE THE FREE LEGAL HEALTH CHECK

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 16 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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