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Contact forms and online bookings: what POPIA asks of service business websites

If your website has a contact form, a booking system or a quote request, you're collecting personal information, and POPIA applies from the first enquiry. You need to tell people what you'll do with their details before they submit them, collect only what you need, keep the data secure, have written contracts with the tools that store it, and not add enquirers to a marketing list without consent. If people also book and pay online, the ECT Act's website disclosures and cooling-off rules apply too.

REVIEWED BY THE ELS TEAM

Build on solid legal ground

Published 23 November 2026 · South Africa

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AT A GLANCE

- A contact form is **collecting personal information** under POPIA.
- Link your **privacy notice** at the point of collection.
- Your form tool, booking software and email host are **operators**.
- Enquirers aren't **customers**, so marketing to them needs consent.

What POPIA asks at the point of collection

- **Tell people first (section 18).** Before someone submits their details, they should be able to see what you collect, why, and who it's shared with. A short line and a link to your privacy notice next to the submit button does the job.
- **Collect only what you need (section 10).** Personal information must be adequate, relevant and not excessive for the purpose. A callback request doesn't need an ID number.
- **Use it for the stated purpose (section 13).** Details given to get a quote are for the quote, not automatically for your newsletter.
- **Keep it secure (section 19).** Enquiries sent to a shared or personal inbox without proper access controls are a common weak point.

Feature by feature

WEBSITE FEATURE	WHAT YOU COLLECT	WHAT TO PUT IN PLACE
Contact or enquiry form	Name, email, phone, message	A privacy notice link; only the fields you need; a rule for deleting old enquiries
Quote request	Project details, sometimes an address	Ask only for what the quote needs; store it securely
Online booking system	Name, contact details, appointment details, sometimes health information	An operator contract with the booking provider; extra care with special personal information
Paying online for a booking	Billing details through a payment gateway	ECT Act disclosures, a secure payment system and clear cancellation terms
Newsletter sign-up	Email address	An unticked opt-in, a consent record and an opt-out on every message

WEBSITE FEATURE	WHAT YOU COLLECT	WHAT TO PUT IN PLACE
Live chat or WhatsApp button	Chat history and phone number	Cover it in your privacy notice and check the provider's data terms

When the ECT Act comes in

A contact form on its own doesn't make your site an online shop. But once clients can book and pay, or conclude an agreement for your services online, Chapter VII of the ECT Act applies to those transactions with consumers:

- The section 43 disclosures must appear on your website, including your full business details, the full price and your cancellation terms.
- For services, the seven-day cooling-off right under section 44 runs from when the agreement is concluded.
- Section 42(2) excludes some services from cooling-off, including services that begin with the consumer's consent before the seven days end, and some accommodation, transport, catering and leisure services booked for a specific date or period.

Read what the ECT Act and CPA require of website terms.

Health, beauty and wellness bookings

Booking forms for practitioners, salons, gyms and wellness businesses often ask about allergies, medical conditions or medication. That's special personal information, which section 26 prohibits processing unless a ground in sections 27 to 33 applies, such as the person's consent. Ask only for what you genuinely need for the appointment, explain why, and limit who can see it.

> **Old enquiries pile up.** Section 14 says records of personal information mustn't be kept longer than necessary for the purpose. Set a rule, such as deleting enquiries that didn't become clients after a set period, and actually apply it.

Five common contact form mistakes

1. **No privacy notice link on the form.** Section 18 information has to be available when you collect.
2. **Adding every enquirer to the newsletter.** An enquiry isn't a sale, so the section 69 customer route doesn't apply. See the direct marketing rules.
3. **Asking for ID numbers "just in case".** Excess information is a liability, not an asset.

4 **Forms that land in an unsecured inbox.** A shared password on a free email account isn't a reasonable safeguard.

5 **Forgetting the booking tool is an operator.** It holds your clients' data and needs a written contract. See operator agreements explained.

Frequently asked questions

My site only has a contact form. Do I need website terms and conditions?

The section 43 disclosures apply to online sales, so they're not strictly required. Terms of use still protect your content and limit your liability, and a privacy notice is required because you collect personal information.

Do I need consent to reply to an enquiry?

No. Responding to a request someone sent you is processing they asked for, so it rests on taking steps towards a contract at their request or your legitimate interest. Your privacy notice should still explain it.

Is a WhatsApp click-to-chat button collecting personal information?

Once someone messages you, yes: you have their phone number and the conversation. Mention it in your privacy notice and handle chat histories like any other client record.

Everything a service business website needs

The ELS Web & Online Pack (R4,950) is built for websites that take enquiries or bookings: website terms, a privacy notice, an internal POPIA policy, an operator undertaking for your form and booking tools, a consent form and a PAIA manual. 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 23 November 2026.

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