

DATA PRIVACY AND CONSUMER RIGHTS

1. OVERVIEW

The Protection of Personal Information Act (POPIA) and the Consumer Protection Act (CPA) are two important South African laws designed to protect data subjects and consumers. While they address different areas – data privacy and consumer rights – they often intersect in ways that significantly impact how businesses operate and how consumers are protected



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2. THE SHARED GOAL – EMPOWERMENT



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Both POPIA and the CPA aim to empower, but through different mechanisms. POPIA protects personal information by requiring businesses to handle data responsibly, securely, and only for lawful purposes. The CPA ensures consumers receive fair treatment, transparent communication, and recourse when businesses act unfairly.

This overlap becomes evident in situations where businesses handle customer information, such as processing complaints, issuing refunds, or managing marketing campaigns. For instance, when a retailer collects your data to process a product return, they must comply with POPIA's data protection rules while adhering to the CPA's obligations to resolve complaints fairly and without undue delay.

3. TRANSPARENCY AND DECISION-MAKING



Both laws emphasise transparency, which empowers individuals to make informed decisions. Under POPIA, businesses must process personal information lawfully and for specific purposes, relying on legal grounds such as consent, contractual necessity, or legitimate interests. The CPA, meanwhile, ensures that consumers receive clear and accurate information, empowering them to make informed decisions when entering into agreements or purchasing goods and services.

This includes transparent pricing, understandable terms and conditions, and truthful advertising. For instance, businesses cannot obscure critical contract details or mislead customers through false claims about their products or services.

When a business collects personal information for marketing or transactional purposes, these two laws work in tandem. POPIA ensures that the information is handled responsibly, while the CPA ensures that the consumer's engagement with the business is fair and informed.

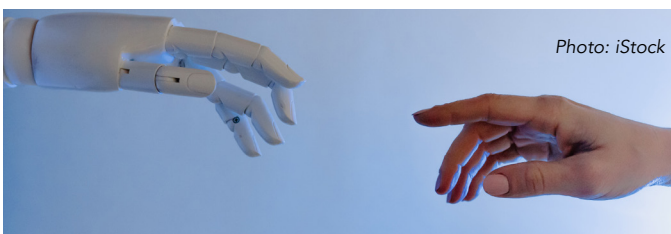
4. DIGITAL COMMERCE



The rise of e-commerce has made the interplay between POPIA and the CPA even more relevant. Online shopping exposes consumers to risks such as data breaches, identity theft, and misleading advertising. POPIA addresses these risks by requiring businesses to implement strict security measures to protect personal information. Meanwhile, the CPA provides remedies for consumers who face unfair practices, such as receiving defective goods or being misled by online promotions.

For example, if an online retailer collects personal information to fulfil an order but later uses it for unsolicited marketing, this would violate POPIA unless the customer was informed and had an opportunity to opt out. At the same time, the CPA would protect the customer from hidden fees or misleading product descriptions.

5. BUSINESSES SHOULD CARE



Compliance with both POPIA and the CPA is not just a legal obligation but also a strategic advantage. Businesses that respect data privacy and ensure fair treatment of customers build trust and loyalty. Non-compliance, on the other hand, can result in fines, reputational damage, and loss of consumer confidence.

6. FURTHER READING

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[Chapter 6](#) – Processing must be for a lawful purpose

[Chapter 16](#) – Direct marketing

[Chapter 18](#) – Data subject rights