

DATA PRIVACY ROUNDUP FOR 2025 Q4

1. OVERVIEW

In this issue of our data privacy roundup, we discuss what is happening in South Africa and abroad to bring you the latest data privacy and protection news.



2. WHAT HAS BEEN HAPPENING AT HOME



2.1 The Information Regulator sent an email about PAIA

The Information Regulator caused quite a panic by sending an [email](#) to all information officers on Sunday, 31 August 2025, about non-compliance with PAIA (the Promotion of Access to Information Act 2 of 2000). They highlighted that many PAIA manuals still refer to the old forms, and directed that the prescribed [Form 2](#) be used.

3. WHAT HAS BEEN HAPPENING ABROAD



3.1. CNIL's record cookie crackdown: Shein (150 million euros) and Google (325 million euros)

On 1 September 2025, France's CNIL (National Commission on Informatics and Liberty) fined Shein 150 million euros for placing advertising cookies before consent on shein.com. Then, on 4 September, they issued another huge fine to Google (200 million euros to Google LLC and 125 million euros to Google Ireland Limited) for inserting adverts between Gmail emails without valid consent and placing cookies during account creation. CNIL ordered remedial changes to be made within six months. If Google does not make the changes, it will be fined 100 000 euros daily until it fixes them.

POPIA's consent principles are similar to those of the EU.



In South Africa, under POPIA, you don't need consent for cookies that are essential for a website to work, like keeping you logged in or remembering what's in your cart. Other types of cookies, like those that measure how people use the site or remember preferences, can sometimes be used based on 'legitimate interest' if they don't intrude too much on privacy. But when it comes to advertising or tracking cookies that follow people across sites, you must always get clear consent before using them. Read a fun whitepaper on cookies [here](#).

3.2. EU-US data privacy framework survives court challenge

On 3 September 2025, the EU General Court rejected a challenge to the European Commission's adequacy decision for the EU-US Data Privacy Framework (DPF). The court said the United States provides adequate protection for EU personal data, pointing to safeguards under Executive Order 14086 and the creation of the Data Protection Review Court (DPRC). It found the DPRC independent and protected from improper influence. The court also clarified that bulk collection by US intelligence does not always need prior authorisation, provided there is ex post judicial oversight, which the DPRC supplies. The Commission must keep the US framework under continuous review and can suspend or amend adequacy if circumstances change. Parties may still appeal on points of law to the European Court of Justice.

South African exporters processing EU personal data via US vendors can continue to rely on DPF-certified importers. However, they should still maintain standard contractual clauses (SCCs) where needed and refresh transfer impact assessments (TIAs) and supplementary measures (noting the DPRC redress avenue) in vendor due diligence and processing records.

3.3. TransUnion data breach affected 4.46 million people in the US

On 28 July 2025, attackers accessed a third-party application that supports TransUnion's US consumer support operations. TransUnion detected the incident on 30 July and began mailing notices on 26 August. TransUnion has said that the personal data exposed are names, dates of birth, and social security numbers, but core credit files were not included. Several outlets link the intrusion to access through a Salesforce-related application.

4. WHAT'S NEXT?

Our roundups will keep giving you local and international data privacy updates. If you are interested in reading more about the topics covered in this article, refer to these chapters in the Understand the Law tab:

- [Chapter 5](#): Information security management
- [Chapter 10.6.2](#): Cookies
- [Chapter 14](#): Transborder information flows and extra-territorial application

WHAT'S
NEXT?

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