

JUTA POPIA PORTAL

ISSUE 1 • OUR 5 FAVOURITE PRIVACY NOTICES • FEBRUARY 2017

1. OVERVIEW

We list five organisations whose privacy notices stand out and can be used as a perfect example of what it's supposed to look like.



2. OUR TOP FIVE FAVOURITE PRIVACY NOTICES

In POPIA 'control' is given back to data subjects by demanding transparency. Section 18 of POPIA contains an extensive list of information which must be disclosed to data subjects. The section requires a high degree of transparency from responsible parties, unless one of the exceptions apply.

The traditional method of notifying data subjects is through a so called 'privacy policy' but data protection terms have moved on since then and the tendency is now to refer to them as 'privacy notices'. We prefer 'privacy notice', because people confuse a privacy policy with an internal privacy

policy aimed at achieving POPIA compliance in an organisation.

Privacy notices are often public documents and are necessary to comply with POPIA's notification requirements. Privacy notices can either take the form of a single document which data subjects are referred to or data subjects can be given the applicable 'ad hoc' notices as and when the personal information is collected in, for instance, an application form. The latter method (which could be referred to as a 'just in time' privacy notice) is more effective as it does not require any additional steps by the data subject in order to gain access to the notification and only the relevant information is provided to the data subject at the time that they need it.

We believe that organisations should have privacy notices that allow consumers to understand their privacy rights and to make informed decisions. We can achieve this by making sure that the wording, structure, and design of our privacy notices are so clear that consumers can easily find what they need, understand what they find, and use that information.

Here are our favourite examples of privacy notices that do just that:

#1 DuckDuckGo

The people at DuckDuckGo are so serious about online privacy, their privacy notice is shorter than a Tweet: We don't collect or share personal information. Brilliant!

#2 Typeform

We love how Typeform used its own form structure to communicate its legal terms and notices. They give you the option to read the legal, jargon-



filled version of their privacy notice, or the plain English version. Although the plain English version is written as a conversation with clear answers and explanations, we're disappointed that they don't use any links or layers to make the policy easy to navigate. We hate that Typeform insists that the plain English version of their privacy policy is not legally binding. Of course, a privacy notice in plain language is just as legally binding as a legal jargon-filled policy, you nincompoops!

#3 The Juro

There are many elements of Juro's privacy notice that we find delightful, but our favourite by far is the very last section called 'Making this policy great'. It congratulates the reader on reaching the end of the policy, giving us the warm and fuzzies. We appreciate the clever use of icons, 'read more' links and colour. Unfortunately, Juro's writing is somewhat inconsistent.

#4 Walmart

Yes, Walmart. The Walmart privacy policy is a helpful example of using layers. Walmart uses a navigation pane, 'read more' expandable sections, hyperlinks, FAQs and examples. If you can look past the American spelling, the policy is written in clear, plain English that the average consumer should understand easily.

#5 Instagram terms of use re-written by Jenny Afia

We realise that these are terms of use and not a privacy notice, and that it is not even Instagram's actual published terms of use. But we are just such big fans of Jenny Afia's writing that we had to share this story.

Jenny transformed this:

You are responsible for any activity that occurs through your account and you agree you will not sell, transfer, license or assign your account, followers, username, or any account rights. With the exception of people or businesses that are expressly authorized to create accounts on behalf of their employers or clients, Instagram prohibits the creation of and you agree that you will not create an account for anyone other than yourself. You also represent that all information you provide or provided to Instagram upon registration and at all other times will be true, accurate, current and complete and you agree to update your information as necessary to maintain its truth and accuracy.

Into this:

Don't use anybody else's account without their permission or try to find out their login details.

