

POPIA applies to personal information

POPIA protects personal information of natural persons (like employees). This includes:

- ID numbers
- Medical info
- Contact details
- Employment history
- Etc.

An employer must process this information lawfully and with proper justification.

When can an employer share an employee's personal info?

Under POPIA, an employer can only share an employee's personal info if:

1. The employee has given consent,
OR
2. There is a legal obligation,
OR
3. It's necessary to fulfill a contract,
OR
4. It's required to protect legitimate interests,
OR
5. It's required by law or court order.

PAIA comes into play if someone formally requests information

If the health and safety company makes a formal PAIA request to the employer (as a private or public body), the employer:

- Must evaluate the request under the Act
- Must determine if releasing the info complies with POPIA
- Might need employee consent, depending on the info requested

Summary:

Situation	Does the employer need employee consent?
Basic info for legal compliance	Not always, if justified by law
Sensitive or medical info not directly required by law	Yes, employee consent needed
Formal PAIA request with no lawful basis for disclosure	Yes, or the request may be denied