

## **ASSAf Update on the Code of Conduct for Research to Stakeholders**

Dear Stakeholders,

ASSAf would like to take this opportunity to thank all stakeholders for their continued support in the development of the Code of Conduct for Research, as per Chapter 7 of POPIA (the draft Code).

### **Feedback from the Information Regulator**

The Information Regulator has provided ASSAf with substantial feedback on the draft Code that was submitted in April of this year and declined to accredit the version of the draft Code that was published in the Government Gazette. **This means that compliance with the draft Code is not mandatory yet.**

However, the bulk of the feedback relates to the formal aspects of the draft Code, such as its scope and how it will be enforced in practical terms. This means that the substance of the draft Code has not been challenged and that researchers and research institutions can continue to use the draft Code to guide their compliance with POPIA. We want to remind researchers and research institutions that they are subject to POPIA and that non-compliance can have serious consequences.

ASSAf remains committed to pursue the accreditation of the draft Code. The POPIA drafting committee will request a meeting with the Information Regulator to discuss the next draft of the Code early in 2024 after which the next draft of the Code will in all probability be re-submitted for accreditation. Before it is accredited it will again be published for public comment in the *Government Gazette* and you will have an opportunity to make submissions on the next draft. We will continue to take all feedback and commentary into account as we develop the next draft.

### **Interim guidance**

In the interim, the gazetted of the Code is available on the [ASSAf website](https://www.assaf.org.za). **Note that it is a draft Code even though it has been written as if it has already been accredited. Also note that the next draft will be gazetted again and you will be able to make submissions.**

There are many strategies that institutions can develop and steps they can take to raise POPIA compliance levels and prepare for the implementation of the Code, even though the Code has not been finalised. We set out some examples of what these steps may be in our stakeholder communication of 13 December 2021. This has also been uploaded to the [ASSAf website](#). This advice remains relevant.

We thank all who have contributed to the discussion and debate to develop a Code of Conduct for Research that will provide both legal and practical guidelines on the interpretation of POPIA in the research sector.

Kind regards

ASSAf POPIA Committee