

THE NEW WHATSAPP PRIVACY POLICY - WHAT YOU NEED TO KNOW

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written by Sadia Rizvi | January 26, 2021



The changes to the WhatsApp privacy policy and terms sparked a worldwide uproar with many users migrating to other messaging platforms out of data privacy and security concerns. This article addresses the above concerns by explaining the new changes and what social media users need to know before moving on to other platforms.

What are the changes?

In an effort to curb the misinformation and rumours, WhatsApp released an article to answer users' questions regarding the changes. According to WhatsApp, the new changes do not affect the privacy of messages with any other user. The changes are mainly related to WhatsApp business accounts and how it shares information with Facebook. The purpose of these changes is for better and targeted advertising by using Facebook apps and features. It also allows for greater integration between the various Facebook-owned apps. WhatsApp chats, however, are encrypted and cannot be seen by the company.

WhatsApp privacy concerns are unfounded

To an extent, the proposed changes provide for greater transparency and communication between WhatsApp and its users. The associated panic and hysteria around the changes are largely unfounded and mainly due a spread of misinformation. Private chats messages between users will remain encrypted and the new policy does not affect chat messages.

Data privacy laws in South Africa and WhatsApp

The Protection of Personal Information Act (“**POPIA**”) is the main piece of legislation in South Africa that regulates how companies and other entities should protect privacy rights. The enactment of POPIA means that there must be secure measures in place in every organisation to protect personal information and other sensitive information. The Act further provides for remedies in the case of data breaches and where personal information is compromised. These data breaches must be reported to the Information Regulator.

The Information Regulator is a body established by POPIA to monitor and enforce compliance with the Act. Currently, the Information Regulator has started to engage with Facebook to analyse the new terms of service to ensure compliance with POPIA. According to the Regulator, WhatsApp has introduced different terms of service for European countries and non-European countries. The spokesperson advised that engagements with Facebook would be ongoing and that the information Regulator remains committed to upholding the privacy rights of South Africans.

In terms of POPIA, there must be voluntary consent on the part of the data subject to their personal information being shared. The changes to the WhatsApp policy give direct effect to this provision. When accepting these changes, users are asked to give consent to their information being shared to Facebook.

If users are unconvinced of WhatsApp’s security and data protection features, there are numerous alternative platforms available for instant messaging, such as Signal and Telegram. However, users should be aware that installing additional platforms only extends their risk exposure, as their information is being shared with yet another service.