

# CPA and NCC Compliance Checklist

Consumer Protection Act 68 of 2008 | CPA Amendment Regulations 2026 | National Consumer Commission Opt-Out Registry

The legal regime came into effect on 15 April 2026. NCC registration for direct marketers and consumers commences July 2026. Non-compliance may attract an administrative penalty of up to R1 million or 10% of annual turnover, whichever is greater. This checklist converts statutory obligations into actionable compliance controls.

| Compliance Area   | Required Action  | What Compliance Looks Like  |
|---|--|---|
| <b>1. Registration and Fee Obligations</b>                |  |   |
| Register on the NCC Opt-Out Registry                      | Complete Annexure P (Direct Marketer Registration Form) and submit to the NCC by or before July 2026.              | A valid registration number issued by the NCC is on file. The registration date, form and proof of submission are retained in the compliance record.                  |
| Pay the prescribed registration fee                       | Pay the initial registration fee of R2,574.00 for 2026 and retain proof of payment.                                | Receipt from the NCC confirming payment is filed. The amount and payment date are recorded in the compliance register.  |
| Annual renewal  | Renew registration each year by paying the annual renewal fee of R1,930.50 and resubmitting required information.  | A renewal calendar alert is set 60 days before expiry. The organisation has never lapsed its registration. Proof of each renewal is on file.                          |
| Do not conduct direct marketing unless registered         | Suspend all electronic direct-marketing communications until registration is confirmed.                            | There is a documented go/no-go decision gate that prevents campaigns from being sent without a confirmed registration number.   |
| <b>2. Data Cleansing and Opt-Out Registry Obligations</b> |  |   |
| Monthly data cleansing                                    | Submit marketing databases to the NCC monthly for cleansing against the Opt-Out Registry at R0.12 per data entry.  | Monthly cleansing submissions are recorded in a log with dates, record counts, fees paid and confirmation receipts from the NCC.                                      |
| Remove opted-out consumers from databases                 | Identify and permanently suppress or delete consumer records that match the NCC pre-emptive block registry.        | A suppression list is maintained and updated after every cleansing cycle. No opted-out consumer receives electronic marketing after their block is registered.        |
| Avoid direct marketing to pre-emptively blocked consumers | Implement technical controls to cross-reference send lists against the suppression database before every campaign. | Pre-send validation is automated or subject to a signed human check. Audit logs show no campaigns were sent to blocked recipients.                                    |
| Retain cleansing records                                  | Keep records of each cleansing submission, the data provided, the output received and the corrective action taken. | Records are stored for a minimum of three years and are accessible for inspection by the NCC.   |
| <b>3. Identification and Communication Standards</b>      |  |   |
| Identify the marketer in all communications               | Ensure every electronic direct-marketing message displays the organisation's name and contact details.             | All emails, SMSs and WhatsApp messages carry the registered trading name, physical or email address and an active contact number. This is verified before deployment. |

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| Ensure communications are identifiable as direct marketing    | Label or structure messages so that recipients can immediately recognise them as commercial communications.                | A standard identifier or subject-line convention is used across all channels. Campaigns are reviewed by compliance before release.                              |
| Provide a functional opt-out mechanism in every communication | Include a clear, easy-to-use unsubscribe or opt-out link or instruction in every direct-marketing message.                 | Every message contains a working opt-out mechanism. Opt-out requests trigger immediate suppression within 24 hours and are logged.                              |
| Maintain plain language and non-misleading representations    | Review all marketing copy against CPA plain-language standards. Remove ambiguous, exaggerated or misleading claims.        | A plain-language and accuracy checklist is completed for each campaign. Legal or compliance sign-off is documented before release.                              |
| <b>4. Policies, Procedures and Consumer-Facing Processes</b>  |  |   |
| Returns and refunds policy                                    | Draft, approve and publish a returns and refunds policy that complies with CPA sections 56 and 20.                         | The policy is accessible on the website, at point of sale and on invoices. Frontline staff can explain it accurately and consistently.                          |
| Complaints handling framework                                 | Establish a structured internal complaints process with defined escalation steps, response timelines and authority levels. | A complaints register is maintained. Turnaround times are measured and met. All complaints receive a written acknowledgement within five business days.         |
| Cooling-off and cancellation procedures                       | Document and operationalise the consumer's right to cancel within five business days under section 16 of the CPA.          | A cooling-off process map is in place. Refunds are processed within the statutory period. No cancellation-related complaints have escalated to the NCC.         |
| Warranty and service-remedy procedures                        | Align warranty terms and remediation steps with CPA implied warranties under sections 55 to 61.                            | Standard warranty language is approved by legal counsel. Remediation processes are documented. Staff are trained on what to do when a product or service fails. |
| <b>5. Contract Review and Consumer-Facing Documentation</b>   |  |   |
| Review for unfair, unreasonable or unjust terms               | Audit all standard-form consumer contracts against sections 48, 49 and 51 of the CPA.                                      | A signed legal opinion or marked-up review confirms that contracts do not contain prohibited terms. A revised contract template is in use.                      |
| Limitation of liability and indemnity clauses                 | Remove or redraft clauses that seek to limit statutory rights or impose blanket indemnities in favour of the supplier.     | Current contracts do not waive implied warranties, cap liability below statutory thresholds, or impose penalties on consumers for exercising statutory rights.  |
| Automatic renewal and notice mechanisms                       | Ensure automatic-renewal clauses comply with CPA notice requirements and give consumers a fair opportunity to cancel.      | Contracts include advance written notice of renewal at least 40 to 80 business days before the renewal date, as required by the CPA.                            |
| Quotes, invoices and pricing disclosures                      | Verify that all quotes and invoices reflect actual prices, clearly disclose fees and do not include hidden charges.        | A template checklist is used for all quotes and invoices. Pricing is final and inclusive of all charges at the point of commitment.                             |
| <b>6. Disclosure and Customer Communication Compliance</b>    |  |   |

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| Website and digital disclosure                               | Audit the organisation's website for compliant disclosure of trading identity, pricing, terms and opt-out mechanisms.   | The website displays the registered name, contact details, returns policy, complaints process and a functional opt-out portal. Last review date is documented.                     |
| Sales scripts and verbal commitments                         | Review and approve sales scripts to ensure they do not create misleading impressions or make commitments beyond authorised terms.                             | Scripts are approved by compliance. Sales staff are trained not to deviate from approved scripts. Mystery-shopper or call-monitoring audits are conducted periodically.            |
| Promotional materials and advertising                        | Review all promotional content for accuracy, fair representation and compliance with CPA sections 29 to 39.   | A marketing-compliance checklist is completed and signed off before any promotion is released. Misleading claims, bait-advertising and exaggerated pricing comparisons are absent. |
| SMS, WhatsApp and email marketing templates                  | Ensure all digital marketing templates include required identification, opt-out mechanisms and plain language.  | A library of approved templates is maintained. Only approved templates are used for campaigns. Template changes require compliance sign-off.                                       |
| <b>7. Complaints, Disputes and Enforcement Preparedness</b>  |   |  |
| Maintain documentary records aligned with revised Annexure E | Keep records of all consumer interactions, prior communications, proof of purchase, contracts and any ADR outcomes.   | A centralised complaints file is maintained per consumer. Documents are stored in a format that can be submitted directly to the NCC if required.                                  |
| Internal escalation and authority framework                  | Define who can authorise refunds, settlements, credits and NCC responses. Document the escalation path.   | An authority matrix is approved and in use. Escalation steps are documented and followed. No NCC responses are issued without appropriate authority.                               |
| ADR readiness  | Identify an appropriate ADR mechanism and include ADR pathway information in consumer-facing materials.   | ADR references appear in contracts and complaint acknowledgement letters. The organisation has not refused to engage in ADR where it was proposed.                                 |
| Response to NCC complaints                                   | Establish a protocol for responding to formal NCC complaints within statutory timeframes.   | A template response process exists. A nominated compliance officer is responsible for NCC correspondence. Response timelines are tracked.  |
| <b>8. Training and Awareness</b>                             |   |  |
| CPA and direct-marketing training for all relevant staff     | Train sales, customer service, operations and marketing staff on CPA basics, opt-out obligations, disclosure standards and prohibited conduct.                | Training is documented with attendance records and assessment scores. Training is refreshed annually or when the law changes.  |
| Complaint-handling training                                  | Train frontline staff on how to receive, record, escalate and resolve consumer complaints without creating additional legal exposure.                         | Staff can explain the complaints process, use the complaints register and know when to escalate. Training records are current.   |
| Direct-marketing compliance training                         | Specifically train staff responsible for campaigns on the NCC opt-out registration obligations, cleansing requirements and permitted communication standards. | Campaign staff are trained and signed off before running any direct-marketing activity. A training record is linked to each campaign approval.                                     |
| <b>9. POPIA and Cross-Regulatory Alignment</b>               |   |  |

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| Align CPA opt-out compliance with POPIA direct marketing obligations | Ensure that the NCC cleansing process operates alongside, not instead of, POPIA consent records and direct-marketing permissions.                        | A compliance matrix maps CPA and POPIA requirements across each marketing channel. Neither regime is treated as satisfying the other.                                      |
| Lawful basis for processing and POPIA notices                        | Confirm that each marketing list has a documented lawful basis for processing under POPIA and that data-subject notices are current.                     | Processing registers identify the lawful basis per list. Privacy notices are up to date and accessible. No marketing is sent without a confirmed lawful basis.             |
| Data governance and recordkeeping                                    | Maintain records sufficient to demonstrate compliance with both CPA and POPIA on request by either the NCC or the Information Regulator.                 | A joint compliance record covering both regimes is maintained. The record is reviewed quarterly. It includes cleansing logs, consent records and policy version histories. |
| <b>10. Business Model and Governance Review</b>                      |  |  |
| Assess CPA applicability across the business model                   | Determine which transactions, customer categories and channels attract CPA protection, including B2C, mixed and certain B2B scenarios.                   | A written applicability opinion or risk map classifies operations as high, medium or low CPA exposure. Management has reviewed and accepted it.                            |
| Review supplier and channel-partner arrangements                     | Examine how outsourced providers and channel partners interact with end users and whether apparent authority risk is created.                            | Supplier contracts allocate CPA compliance responsibility clearly. The organisation is not exposed to liability for third-party non-compliance without a remedy.           |
| Administrative-penalty risk assessment                               | Quantify the maximum administrative penalty exposure (up to R1 million or 10% of annual turnover) and confirm that compliance controls reduce this risk. | A penalty risk assessment has been completed and accepted by executive management. Material compliance gaps have been assigned owners and remediation timelines.           |
| Compliance officer or function accountability                        | Designate a responsible person or team for ongoing CPA and NCC compliance oversight.   | A named compliance officer is on record. Responsibilities are documented in a job description or mandate. The officer reports to a governance structure.                   |

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