

DE KOCK ESTATES: POPI POLICY STATEMENT AND MANUAL

Dated/updated as at: 24 June 2021

This is the Policy and Guideline document for FELPET PROPERTIES CC t/a DE KOCK ESTATES and all its operational divisions (hereinafter referred to as 'DE KOCK ESTATES') detailing the measures applied when processing of personal information occurs within its operations.

INDEX

Contents

PREAMBLE.....	3
1. INTRODUCTON.....	3
2. POPIA: BACKGROUND AND PURPOSE.....	3
2.1 What POPIA aims to achieve.....	3
2.2 The meaning of “ personal information ” in the POPIA.....	4
2.2.1 process the personal information of a child	4
2.2.2 process special personal information	4
2.3 “ Processing ” of personal information: its meaning in the POPIA.....	4
2.4 Who must comply?.....	5
3. WHAT IS REQUIRED FOR DE KOCK ESTATES TO LEGITIMATELY PROCESS PERSONAL INFORMATION?.....	5
3.1 Accountability.....	5
3.2 Processing limitation.....	5
3.3 Purpose specification.....	6
3.4 Further processing limitation.....	6
3.5 Information quality.....	6
3.6 Openness.....	6
3.7 Security safeguards.....	7

3.8	Data subject access to the information and participation.....	7
4	PURPOSE FOR COLLECTING PERSONAL INFORMATION.....	7
5.	PROCESSING OF PERSONAL INFORMATION BY DE KOCK ESTATES.....	8
6	DISCLOSURE OF PERSONAL INFORMATION.....	9
7	SAFEGUARDING PERSONAL INFORMATION.....	9
8	CORRECTION OF PERSONAL INFORMATION.....	10
9	AMENDMENTS TO THIS POLICY.....	11
10.	ACCESS TO DOCUMENTS.....	11
11	REQUESTS FOR INFORMATION:.....	11
12	De Kock Estates INFORMATION PROCESS FLOW.....	12
13	RETENTION OF DOCUMENTS.....	12
13.1	Hard copy.....	12
13.2	Electronic records.....	12
14	DESTRUCTION OF DOCUMENTS.....	12

PREAMBLE

FELPET PROPERTIES CC t/a De Kock Estates (“De Kock Estates”) is an estate agency and property management business that has as its main objectives to practice as an estate agency and managing agent and to facilitate the purchase and sale of immovable properties as well as the lease thereof.

In doing so, it includes the necessary regulatory requirements in its operations and management, including as prescribed by the Estate Agency Affairs Act, and others. **In addition, it is committed also to give effect to the provisions of the Protection of Personal Information Act 4 of 2013 (hereinafter ‘POPIA’) which comes into full operation on 1 July 2021.**

This document therefore constitutes both the Privacy Policy statement of De Kock Estates, as well as its Guideline for implementation.

A: PRIVACY POLICY

1. INTRODUCTION

POPIA requires of De Kock Estates to inform its members, management, employees, any third party service providers (hereinafter referred to as ‘data subjects of De Kock Estates’) as to the manner in which their personal information is used, disclosed and destroyed.

De Kock Estates is committed to protecting the privacy of the data subjects of De Kock Estates and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws.

This document sets out the manner in which De Kock Estates deals with the personal information it obtains and processes, and stipulates the purpose for which this information is used.

The Policy is available to any data subject of De Kock Estates, on request made to the Information Officer of De Kock Estates, whose details are recorded herein.

2. POPIA: BACKGROUND AND PURPOSE

2.1 What POPIA aims to achieve

POPIA seeks to ensure that the personal information of data subjects in South Africa is processed in a way that properly protects their right to privacy, a right derived from the Bill of Rights in the Constitution. It also regulates all organisations that collect, store and disseminate personal information of data subjects.

Personal information may only be processed if the processing meets certain conditions listed in the POPIA. There are eight distinct **conditions** which organisations need to meet for the processing of personal information to be lawful. These are:

1. Accountability
2. Processing limitation
3. Purpose specification
4. Use limitation
5. Information quality
6. Openness
7. Security safeguards
8. Individual/data subject participation

2.2 The meaning of “**personal information**” in the POPIA

The phrase “personal information” refers to any information relating to an identifiable, living, natural person (and existing juristic persons where applicable), including information relating to:

- Race, gender, sex, pregnancy, marital status, mental health, well-being, disability, religion, belief, culture, language and birth;
- Education, medical, financial, criminal or employment;
- Identity number, electronic and physical addresses, telephone numbers and on-line identifiers;
- Biometric information;
- Personal opinions, views or preference; and
- Correspondence sent by a person implicitly or explicitly of a personal nature or confidential.

Apart from general rules that allows for the processing of the above personal information, organisations, such as De Kock Estates, may not:

2.2.1 process the **personal information of a child**

A child is someone who is below the age of 18 and the processing of his or her personal information is prohibited unless the processing:

- Is carried out with the consent of the child’s legal guardian;
- Is necessary to establish, exercise or defence of a right or obligation in law;
- Is necessary for historical, statistical or research purposes; or
- Is information that is deliberately been made public by the child with the consent of the guardian.

2.2.2 process **special personal information**

“Special personal information” refers to information regarding a person's religious or philosophical beliefs, race or ethnic origin, trade union membership,

political persuasion, health or sex life, biometric information or criminal behaviour.

The processing of a person's special personal information is prohibited unless the processing:

- Is carried out with the consent of the data subject;
- Is necessary to establish, exercise or defence of a right or obligation in law;
- Is necessary for historical, statistical or research purposes; or
- Is information that is deliberately been made public by the data subject.

2.3 “Processing” of personal information: its meaning in the POPIA

Processing refers to any operation or activity, or set of activities, by automatic means or otherwise, in respect of personal information, including:

- Collecting, receiving, recording, collating, storing, updating, modifying, retrieving or use
- Disseminating by means of transmission, distribution or any other means
- Merging, linking, restricting, erasing or destructing of information.

2.4 Who must comply?

All public and private bodies must comply with the POPIA when they “process” personal information.

3. WHAT IS REQUIRED FOR DE KOCK ESTATES TO LEGITIMATELY PROCESS PERSONAL INFORMATION?

POPIA lays down conditions with which a responsible party (i.e. De Kock Estates) must apply when personal information is processed. The conditions are:

3.1 Accountability

This requires of De Kock Estates to ensure that its operations are aligned with the principles listed in the POPIA. This is achieved by the operational requirements listed in the Guideline in Part B hereof.

3.2 Processing limitation

The POPIA prescribes that personal information may only be processed if the data collected is:

- adequate, relevant and necessary for the purpose for which it is processed;
- obtained with the **consent** of the data subject;
- necessary for the **performance of the contract** to which the data subject is party;
- necessary for the protection of a **legitimate interest of the data subject**;
- **required by law**; or
- necessary to pursue the legitimate interest of the organisation;

If the processing is based on **consent**, such consent must be:

- voluntary;
- specific; and
- informed (meaning that the data subject understands (i) what information is being collected/processed; why the information is being processed; (iii) how the information is being processed; where the information is being processed; and to whom the information is intended to be given).

It is a further a requirement that the **information should, where possible, be collected directly from the data subject**, except in certain circumstances (e.g. where the information is in the public domain or to do so would defeat the purpose for collecting and processing).

In part B hereof it is recorded how De Kock Estates complies with this requirement.

3.3 Purpose specification

The data subject must be notified of the purpose for which the information is being collected and all data subject documentation will record a notification to this effect.

Information/records may further only be kept for as long as it is necessary for De Kock Estates to achieve the identified purpose. In certain instances, however, there are prescribed statutory record keeping periods which may exceed the aforementioned period. After the retention period(s) has lapsed, the Information Officer shall ensure that the physical files and data files are safely destroyed, as soon as reasonably possible.

In part B hereof it is recorded how De Kock Estates complies with this requirement.

3.4 Further processing limitation

Processing of personal information beyond fulfilment of the initial purpose for which it was obtained, is not allowed, unless such **further processing is in accordance with or compatible with the purpose for which it was initially collected.**

It is recorded that De Kock Estates does not perform further processing in respect of data except in as far as this may be required in terms of legislative obligation. This is detailed in Part B hereof.

3.5 Information quality

The POPIA requires of the responsible party (De Kock Estates) to ensure that the information that is collected and processed, is as accurate as possible, complete and updated if necessary. This is achieved by obtaining the data from the data subject personally, as far as possible; or otherwise from acceptable alternative sources.

3.6 Openness

The POPIA requires that De Kock Estates must maintain the data it collected and ensure that access can be provided to the data subject, as proposed in the Promotion of Access to Information Act.

De Kock Estates must furthermore take reasonable practical steps to ensure that the data subject is aware of what personal information is being collected, stored and used, whether or not collected directly from the data subject.

3.7 Security safeguards

De Kock Estates secures the integrity and confidentiality of personal information and takes appropriate technical/organisational measure to prevent:

- the loss of or damage to personal information; and
- the unlawful access to or processing of personal information.

To do this, De Kock Estates:

- identifies all reasonable foreseeable internal and external risks to personal information held
- establishes and maintain appropriate reasonable safeguards against the risks

- monitors the safeguards and regularly verify safeguards are effective
- ensures safeguards are updated to respond to new risks or deficiencies in previous safeguards; and
- liaises with their IT service provider to confirm the required safeguards are in place.

Implementation of this requirement is further detailed in Part B hereof.

3.8 Data subject access to the information and participation

Any person who can positively identify themselves, is entitled to access their own personal information held by De Kock Estates. A data subject has the right to correct or amend any of their personal information that may be inaccurate, misleading or out of date.

Data held by De Kock Estates will be made accessible to the data subject whether as prescribed in terms of POPIA, or other legislation such as the Companies Act, the Close Corporations Act and the Estate Agency Affairs Act.

Information must be available to the data subject to verify/object to the accuracy and or processing thereof. Such request may be directed to the Information Officer with the following details:

Information Officer: Heather Seymour

Tel number: 021 782 6023

Email address: heather@dekockestates.co.za

Part B

4 PURPOSE FOR COLLECTING PERSONAL INFORMATION

The personal information collected by De Kock Estates will only be used for the purpose for which it was collected and/or as agreed with the clients/s of De Kock Estates. This may include:

- 4.1 To facilitate the sale, purchase or lease of immovable property or a business undertaking, and to manage sectional title schemes or homeowners' associations on behalf of their trustees/board;
- 4.2 Confirming, verifying and updating data subject details;
- 4.3 For audit and record keeping purposes;
- 4.4 For purposes of compliance with specific legislation, particularly the Companies Act , the Close Corporations Act, and the Estate Agency Affairs Act; labour laws and other;

- 4.5 In connection with legal proceedings;
- 4.6 Providing De Kock Estates' suite of services existing and prospective clients, to render additional or complementary services and to maintain and constantly improve the relationship;
- 4.7 Providing communication in respect of De Kock Estates and regulatory matters that may affect data subjects;
- 4.8 In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law.

It is recorded that De Kock Estates processes the personal information of:

- (i) **its members** as required in terms of law, especially the Companies Act, the Close Corporation Act, Estate Agency Affairs Act and tax legislation;
- (ii) **its clients** in accordance with the mandate or other instructions that it is processing;
- (ii) **its employees** in terms of labour and health laws and regulation and the agreement with the employee;
- (iii) **third party service providers** in accordance with the agreement with that service provider and in terms of POPIA.

5. PROCESSING OF PERSONAL INFORMATION BY DE KOCK ESTATES

In terms of section 10 of POPIA, personal information may only be processed if certain conditions, listed below, are met along with supporting information for De Kock Estates' processing of personal information. De Kock Estates complies with this requirement in the following ways:

- The data subject's consent to the processing is obtained, and the data subject is notified of the collection –
 - o during the introductory appointment, sale of shares or concluding of lease agreement or other interaction at the commencement of De Kock Estate's relationship with the data subject;
 - o in the appointment of any service providers and contractors, including payroll administrators, service providers who send bulk emails, service providers that collect rentals, personal information is collected for the performance of a contract and the data subjects are aware of the collection of their data;
- The processing is performed to conduct an accurate analysis of the data subject's information so that the transaction can be fulfilled on behalf of the data subject's needs and/or legitimate interests;
- Processing otherwise complies with an obligation imposed by law on De Kock Estates, especially by the Companies Act, the Close Corporations Act, the Estate Agency Affairs Act; or protects a legitimate interest of the client; or is necessary for pursuing the legitimate interests of De Kock Estates or of a third party to whom information is supplied.

In order to provide clients of De Kock Estates with services, De Kock Estates and any of its product or service suppliers require certain personal information from their data subjects in order to make an informed decision on the unique and specific product and or service required.

6 DISCLOSURE OF PERSONAL INFORMATION

- 6.1 De Kock Estates may disclose a data subject's personal information to an approved service or product supplier or third party service providers whose services or products the De Kock Estates clients or residents elect to use. De Kock Estates has agreements in place to ensure compliance by these third party service providers with confidentiality and privacy conditions.
- 6.2 De Kock Estates may also share client personal information with, and obtain information about clients from third parties for the legitimate purposes already discussed above.
- 6.3 De Kock Estates may also disclose a client's information where it has a duty or a right to disclose in terms of applicable legislation, the law, or

where it may be deemed necessary in order to protect De Kock Estates' rights.

- 6.4 All employees and contractors of De Kock Estates have a duty of confidentiality in relation to De Kock Estates and its data subjects.
- 6.5 De Kock Estates' data subjects' right to confidentiality is protected in the Constitution and in terms of POPIA. Information may be given to a third party if the client has consented in writing to that person receiving the information, or if it is in the client's interests to do so, or otherwise as prescribed in POPIA.
- 6.6 De Kock Estates views any contravention of this policy seriously and employees who are guilty of contravening the policy will be subject to disciplinary procedures, which may lead to the dismissal of any guilty party.

7 SAFEGUARDING PERSONAL INFORMATION

- 7.1 It is a requirement of POPIA that a responsible party (such as De Kock Estates) adequately protects personal information that it holds. De Kock Estates will continuously review its security controls and protocols to ensure that personal information is processed as prescribed in POPIA.
- 7.2 De Kock Estates assigns responsibility to ensure compliance with POPI to the Information Officer. The Information Officer will decide on and record acceptance of the POPI policy and procedure as contained herein. The Information Officer must further perform an assessment of the data processed by De Kock Estates to identify, assess and address risks, as far as indicated from the outcome of such assessment. The assessment will be repeated at yearly intervals by the Information Officer.
- 7.3 Each new employee will be required to sign an employment contract containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of POPIA. Every employee currently employed by De Kock Estates will be required to sign an addendum to their employment contract containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of POPIA;
- 7.4 All De Kock Estate's electronic files or data are backed up and stored on site. Information and data of the schemes managed, their tenants, landlords and owners are also shared and stored on the WeConnectU rental and community scheme management tool, which, in turn, stored the data in the Cloud.
- 7.5 De Kock Estates' service providers, product suppliers, insurers and other third-party business partners will be required to sign a service level agreement guaranteeing their commitment to the protection of personal information; this is however an ongoing process that will be evaluated as needed. In all instances there will be an overview of De Kock Estates' data

processing activities, to ensure that the purpose for the processing is notified to the data subject and that the processing thereof within De Kock Estates is aligned to POPIA and this policy is aligned to the way the personal information should be processed.

- 7.6 The internet security service providers to De Kock Estates must operate under the authority of the Information Officer and treat all personal information as confidential. An agreement in writing to this effect must be in place.
- 7.7 All third party service providers must be advised to immediately notify De Kock Estates (particularly the Information Officer) if there are any reasonable grounds to suspect a data breach.
- 7.8 Where the internet service providers or any other service provider act as operator (by processing data furnished by De Kock Estates on its instruction) such agreement to safeguard the information as required in this policy and in POPIA, *must* be in writing. The operator must be advised immediately to notify De Kock Estates (particularly the Information Officer) if there are any reasonable grounds to suspect a data breach.
- 7.9 Once notified of a suspicion of a data breach, the Information officer shall immediately investigate the matter and where applicable, notify the member/s of Felpet Properties CC t/a De Kock Estates. A decision shall be made whether or not this requires notification to the Regulator and/or data subject (if known). The Information Officer shall act accordingly.
- 7.10 Instances of breach of data, whether electronic data or physical records, will be dealt with in terms of the breach provisions contained in the Data Breach Policy.

8 CORRECTION OF PERSONAL INFORMATION

Data subjects have the right to access the personal information that De Kock Estates holds about them. Data subjects also have the right to ask De Kock Estates to update, correct or delete their personal information on reasonable grounds.

Once a data subject objects to the processing of their personal information, De Kock Estates may no longer process said personal information, unless this is required by law in which case De Kock Estates shall advise the data subject accordingly.

De Kock Estates shall take all reasonable steps to confirm the data subject's identity before providing details of their personal information or making changes to their personal information.

9 AMENDMENTS TO THIS POLICY

Amendments to, or a review of this Policy, will take place on an ad hoc basis or at least once a year. Changes will take effect once approved by the member/s of De Kock Estates.

10. ACCESS TO DOCUMENTS

All company and client information must be dealt with in the strictest confidence and may only be disclosed, without fear of redress, in the following circumstances:

- 10.1 where disclosure is under compulsion of law;
- 10.2 where there is a duty to the public to disclose;
- 10.3 where the interests of the company require disclosure; and
- 10.4 where disclosure is made with the express or implied consent of the client.

11 REQUESTS FOR INFORMATION:

- 11.1 These are dealt with in terms of the Promotion of Access to Information Act, 2 of 2000 ("PAIA"), which gives effect to the constitutional right of access to information held by the State or any person (natural and juristic) that is required for the exercise or protection of rights. Private bodies, like De Kock Estates, must however refuse access to records if disclosure would constitute an action for breach of the duty of secrecy owed to a third party.
- 11.2 In terms hereof, requests must be made in writing on the prescribed form, reproduced in the PAIA Manual on our website, to the Information Officer in terms of PAIA. The requesting party has to state the reason for wanting the information and has to pay a prescribed fee.
- 11.3 De Kock Estates' PAIA manual is available from the Information officer.
- 11.4 Confidential company and/or business information of De Kock Estates may not be disclosed to third parties as this could constitute industrial espionage. The affairs of De Kock Estates must be kept strictly confidential at all times.

12 De Kock Estates INFORMATION PROCESS FLOW

The collection, storage, access and dissemination of personal information is set out in Annexure A.

13 RETENTION OF DOCUMENTS

13.1 Hard copy

The statutory periods for the retention of documents are as per the law. These are available on request.

13.2 Electronic records

13.2.1 The internal procedure requires that electronic storage of information: important documents and information must be referred to and discussed with IT who will arrange for the indexing, storage and retrieval thereof. This will be done in conjunction with the departments concerned.

13.2.2 Scanned documents: If documents are scanned, the hard copy must be retained for as long as the information is used or for 1 year after the date of scanning, with the exception of documents pertaining to personnel. Any document containing information on the written particulars of an employee, including: employee's name and occupation, time worked by each employee, remuneration and date of birth of an employee under the age of 18 years; must be retained for a period of 3 years after termination of employment.

13.2.3 Section 51 of the Electronic Communications Act No 25 of 2005 requires that personal information and the purpose for which the data was collected must be kept by the person who electronically requests, collects, collates, processes or stores the information and a record of any third party to whom the information was disclosed must be retained for a period of 1 year or for as long as the information is used.

It is also required that all personal information which has become obsolete must be destroyed.

13.3 Marketing records

It is recorded that De Kock Estates, as part of its legitimate business interests, will retain email addresses and telephone contact numbers of owners, occupants in schemes that it manages; as well as that of buyers and sellers who are customers of De Kock Estates, for purposes of ongoing marketing as allowed by and provided for in POPIA.

14 DESTRUCTION OF DOCUMENTS

14.1 Documents may be destroyed after the termination of the retention period specified in terms of the law. Registration will request departments to attend to the destruction of their documents and these requests shall be attended to as soon as possible.

14.2 Each department is responsible for attending to the destruction of its documents, which must be done on a regular basis. Files must be checked in order to make sure that they may be destroyed and also to ascertain if

there are important original documents in the file. Original documents must be returned to the holder thereof, failing which, they should be retained by the Company pending such return.

14.3 After completion of the process in 6.2 above, the office manager of the department shall, in writing, authorise the removal and destruction of the documents in the authorisation document. These records will be retained by the Information Officer.

14.4 The documents are then made available for collection by the removers of the De Kock Estates' documents, who also ensure that the documents are shredded before disposal. This also helps to ensure confidentiality of information.

14.5 Documents may also be stored off-site, in storage facilities approved by De Kock Estates.

This Policy and Guideline was accepted by the member/s of De Kock Estates on _____ JUNE 2021, and comes into operation on the same date.

Annexure A

QUESTIONNAIRE FOR FRAMEWORK OF DATA PRIVACY POLICIES

	QUESTION	PLEASE PROVIDE ANSWER	ANY RISK of unanticipated access to the data, if at all
(1)	Name the responsible party (i.e., name the entity that is collecting the data)	<i>(Usually the organisation that collects the data is also the organisation that uses it. Please indicate if this is not the position.)</i>	
(2)	Brief description of business activities performed by the responsible party		
(3)	Why is data collected? What does the organisation need to do with it or use it for?		
(4)	What is the source of the data?	<i>(I.e., can be a physical client take on form, web based application, or other)</i>	
(5)	What type of data is collected?	<i>(I.e. ID number, email address, banking details)</i>	
(6)	Does it include special personal information? If so, why is this included?	<i>(I.e., religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information; criminal behaviour)</i>	

(7)	Does it include personal information of children?		
(d)	Who deals with the data? Who uses it in the organisation?	<i>(This includes the team/department that captures the information as well as those using it for a purpose, i.e. to send accounts. It can be the same persons or different persons)</i>	
(e)	Is it disclosed to anyone outside the organisation? If yes, identify these third parties suppliers and what is the purpose of their activities, why are they appointed?	<i>(I.e., such as payroll administrators, marketing email service providers)</i>	
(f)	IT service provider: who are they and have they provided this organisation/entity with safeguards regarding processing		