
PROTECTION OF PERSONAL INFORMATION

This policy outlines Emerald Estate Homeowners Association (EEHOA) commitment to compliance of the Protection of Personal Information Act 4 of 2013 in specific regard to the processing of your personal information.

The purpose of this policy details how (and why) we collect, store, use, share or otherwise process your personal information. In addition, it outlines your rights in respect of your personal information.

1. Definitions of terms used in this policy;

“**EEHOA**” means Emerald Estate Homeowners Association.

“**Estate**” means Emerald Estate.

“**we**”, “**us**”, “**our**” means EEHOA.

“**POPIA**” means the Protection of Personal Information Act 4 of 2013 (or as amended)

“**processing**” means any operations or activities in handling personal information.

- the collection, receipt, recording, organisation, collation, dissemination by means of transmission, distribution or making available in any other form; merging, linking, as well as restriction, degradation, erasure, or destruction of information.

“**personal information**” means information relating to an identifiable, living, natural person, and includes;

- race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, education, medical, financial, criminal or employment history of the person; any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other particular assignment to the person; the biometric information of the person; correspondence sent by the person that is implicitly or explicitly of a private or confidential nature

PROTECTION OF PERSONAL INFORMATION

2. The type of information we collect

We may collect and process the following personal information about you:

- Full names
- Email address, telephone number, physical address, postal address and erf number;
- Marital status
- Date of birth, age, gender, race, nationality, title and language preferences;
- Identity number and/or passport number;
- Vehicle registration number, vehicle type and colour;
- Vehicle licence and driving licence;
- Biometric information, and if applicable, hands, facial recognition and/or retinal scanning;
- Employment details;
- Correspondence from you of a private or confidential nature;
- such other personal information as is reasonably required by us to engage with you and/or provide services to you.

3. The manner in which we collect your information

We may collect or obtain your personal information:

- directly from you;
- during the course of our interactions with you;
- when you visit the Estate;
- when you visit and/or interact with our website or any other social media platforms
- from publicly available sources;
- from a third party who is authorised to share that information;
- via a mobile or other software app developed for the Estate.

PROTECTION OF PERSONAL INFORMATION

4. The manner in which we process your information

The personal information we may collect - and why and how we use it - depends on our relationship with you. POPIA requires that personal information “is collected for a specific, explicitly defined and lawful purpose related to a function or activity of the responsible party.”

POPIA provides that personal information may only be processed if:

- (a) the data subject - or a competent person where the data subject is a child - consents to the processing;*
- (b) processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party;*
- (c) processing complies with an obligation imposed by law on the responsible party;*
- (d) processing protects a legitimate interest of the data subject;*
- (e) processing is necessary for the proper performance of a public law duty by a public body;*
- (f) processing is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied.*

Annexure A to this policy sets out a list of the types of information we collect and explains why we collect and how we use it. We may collect other personal information from time to time where you provide it to us, as necessary for our business requirements, or in order to comply with applicable laws. For Emerald Estate, this is specifically the Companies Act 71 of 2008.

5. Who we share your personal information with

Depending on the circumstances, we may disclose your personal information to the following categories of persons:

PROTECTION OF PERSONAL INFORMATION

- Auditors, legal and other professional advisers and consultants of the Estate or other third parties who help us deliver our services, including the Estate's managing agents and all committees of the Association;
- Information Technology and other service providers who help us run the Estate or otherwise manage or store the personal information;
- Government and law enforcement authorities;
- Other third parties where disclosure is required by law or otherwise required for us to perform our obligations and provide our services; and
- To any other person with your consent to the disclosure.

Emerald Estate and its managing agents commit to take reasonable steps to protect the confidentiality and security of your personal information when it is disclosed to any third party and seek to ensure the third-party deals with your information in accordance with our instructions, applicable privacy laws, and only for the purpose for which it is disclosed.

6. The security of your data

We may hold your personal information in electronic or in hard copy form. We may keep this information at our own premises, or at sites managed by our services providers.

We are fully committed to keeping your personal information safe.

EEHOA use a range of physical, electronic, and procedural safeguards to do this. We update these safeguards from time to time in order to address new and emerging security threats. We also train our Managing Agents and Security staff on privacy matters as appropriate and seek to limit access to personal information to those of our people who need to know that information.

EEHOA have implemented appropriate security measures to protect your personal information that is in our possession against accidental or unlawful destruction, loss, alteration, unauthorised disclosure, unauthorised access, in accordance with applicable law.

PROTECTION OF PERSONAL INFORMATION

Where there are reasonable grounds to suspect that your personal information that is in our possession has been accessed or acquired by any unauthorised person, we will notify the relevant regulator and yourself, unless a public body responsible for detection, prevention or investigation of offences or the relevant regulator informs us that notifying you will impede a criminal investigation.

EEHOA, nor it's affiliates, will EVER hand any of your information to any other person/company/entity without your consent.

7. Duration of Personal Information retention

EEHOA retains personal information we collect from you where we have an ongoing legitimate business need to do so (for example, to provide you with a service) or to comply with applicable business, legal, tax or accounting requirements.

EEHOA shall only retain and store your personal information for the period for which the information is required to serve the purpose for its collection, or a legitimate interest or the period required to comply with applicable legal requirements, whichever is longer.

8. International Storage of information notice

In some cases, the third parties to whom we may disclose your personal information may be located outside your country of residence (for example, EEHOA information is stored in a secure cloud data service, system or server), and may be subject to different privacy regimes.

When we save personal information to these cloud servers or systems, we will take appropriate safeguards to protect your personal information to ensure that the recipient will handle the information in a manner consistent with this policy and the level of protection provided for in POPIA.

PROTECTION OF PERSONAL INFORMATION

9. Your rights

You have the right to:

- (a) ask what personal information we hold about you;
- (b) request access to the personal information that we hold about you;
- (c) Request us to update, correct or delete any out-of-date or incorrect personal information we hold about you;
- (d) unsubscribe from any communications we may send you; or
- (e) object to the processing of your personal information.

If you wish to exercise any of these rights or you have any queries regarding the personal information that we hold about you, you can contact us at the details provided below.

To protect the integrity and security of the information we hold, we may ask that you follow a defined access procedure, which may include steps to verify your identity.

Residents specifically, we cannot delete all personal information we have about you, as these are legal requirements in terms of the Companies Act.

The table below sets out a list of the types of information we collect and why we use it.

PROTECTION OF PERSONAL INFORMATION

ANNEXURE A

Information Type	Reasons why we may use this information
<p>Identification information: Your name, photograph, passport, national identification, biometric information, gender, date of birth, vehicle registration number, vehicle license and driving license, information regarding your employer.</p>	<p>To verify your identity to, inter alia, enable you to enter the Estate, to provide services to you, undertake adequate security and monitoring measures, comply with our legal and contractual obligations, and otherwise for our legitimate interests or those of a third party.</p>
<p>Contact information: Email address; telephone number; physical address; erf number</p>	<p>To contact you with information relevant to you as a resident / supplier of the Estate and/or its residents; to keep you informed about our activities and updates, to respond to any queries and requests, to manage and resolve any commercial or legal complaints or issues, to carry out planning and forecasting activities, to comply with our legal and contractual obligations, for transfer of property and erf, and otherwise for our legitimate interests or those of a third party.</p>
<p>Contact and payment information : Information of suppliers / contractors / service providers: such as, name; email; telephone number; address, payment and bank details</p>	<p>To enable us to procure products and services from you, to keep you informed about our activities and updates, to respond to any queries and requests, to carry out market analysis and research, to carry out planning and forecasting activities, for other internal business processes, to comply with our legal and contractual obligations, and otherwise for our legitimate interests or those of a third party.</p>

PROTECTION OF PERSONAL INFORMATION

<p>Contact information of our directors, trustees, staff (past / present) / prospective employees: contact details, employment history, references, vetting information, financial information including banking details, IT information and other information relating to employment (e.g.: leave; appraisals etc.)</p>	<p>To enable you to carry out your role / duties, to carry out our contract with you, monitor your performance and compliance with our policies / standards / procedures, provide you with training and benefits and provide remuneration, to comply with our legal and contractual obligations, and otherwise for our legitimate interests or those of a third party</p>
<p>Information obtained during your visit: CCTV images; car registration information; access records and registration details.</p>	<p>To allow you access to our Estate in line with our security policies and procedures and to manage and resolve any legal or commercial complaints or issues, including security practices.</p>

Effective Date

This Policy was ratified and adopted at the Emerald Estate Directors Meeting - held electronically on the 1st July 2021, and comes into effect on the 1st July 2021.

Managing Agents Note

This Policy is read in conjunction with the POPI Policy of the Managing Agents, whose POPI Policy is identical in every respect to this document.

PROTECTION OF PERSONAL INFORMATION

INFORMATION OFFICER:

EMERALD ESTATE HOMEOWNERS ASSOCIATION

The Information Officer role is by default that of the Designated Head of a Private Body in terms of the provisions of both the Promotion of Access to Information Act 2 of 2000 (PAIA) and the Promotion of Personal Information Act 4 of 2013 (POPI). The responsibilities defined for these roles in Emerald Estate Homeowners Association (2004/023760/08), a private body in terms of the aforementioned Acts are:

- 1) POPI Act Section 55(1): An Information Officer's responsibilities include:
 - a) the encouragement of compliance, by the body, with the conditions for the lawful processing of personal information;
 - b) dealing with requests made to the body pursuant to this Act;
 - c) working with the Regulator in relation to investigations conducted pursuant to Chapter 6 (prior authorization) in relation to the body;
 - d) otherwise ensuring compliance by the body with the provisions of this Act; and
 - e) as may be prescribed.

POPI Regulations 2018: Responsibilities of Information Officers

- 2) Regulation 4:
 - a) An Information Officer must, in addition to the responsibilities referred to in s55(1) of the POPI Act, ensure that:
 - i) A compliance framework is developed, implemented, monitored and maintained;
 - ii) A personal information impact assessment is done to ensure that adequate measures and standards exist in order to comply with the conditions for the lawful processing of personal information;
 - iii) A manual is developed, monitored, maintained and made available as prescribed in s14 and s51 of the PAIA Act;
 - iv) Internal measures are developed together with adequate systems to process requests for information or access thereto; and

PROTECTION OF PERSONAL INFORMATION

- v) Internal awareness sessions are conducted regarding the provisions of the Act, regulations made in terms of the Act, codes of conduct, or information obtained from the Regulator.
- b) The information officer shall upon request by any person, provide copies of the manual to that person upon the payment of a fee to be determined by the Regulator from time to time.

POPI Act: Section 56: Designation and delegation of deputy Information Officer(s)

3) Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of –

- a) Such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of this Act; and
- b) Any power or duty conferred or imposed on an information officer by this Act to a deputy information officer of that public or private body.

EMERALD ESTATE HOMEOWNERS ASSOCIATION Information Officer role appointment acceptance – Mark Trollope:

Signature:



Date of Appointment Acceptance: 1 July 2021