

**ELAWINI**

LUXURY RESIDENTIAL ESTATE

EST 2007

# Protection of Personal Information Privacy Policy

Date: \_\_\_\_\_

**NAME OF SCHEME: ELAWINI VILLAGE BODY CORPORATE**

**SCHEME NO.: SS65/13, SS28/14 & SS32/15**

**PHYSICAL ADDRESS: ERF 947 RIVERSIDE PARK, EXT 5, JT**

**INFORMATION OFFICER: BYRNE DAVID FRANK MILLARD  
013 590 0612 / 082 787 8630  
manager@elawini.co.za**

Personal Information is collected by the Body Corporate for the specific purpose of lawful record keeping relating to the functioning of the Scheme and is processed in terms of the obligations imposed on the Body Corporate by the Sectional Titles Schemes Management Act 8 of 2011 ("STSMA") and, generally, in pursuit of the legitimate interests of the Scheme.

This policy complies with The Protection of Personal Information Act 4 of 2013 ("POPI"), The Promotion of Access to Information Act 2 of 2000 ("PAIA"), and the STSMA and its Prescribed Management Rules, as well as good corporate governance practice. This policy is intended to protect the personal and special personal information of trustees, owners, tenants, employees, visitors, contractors and other relevant parties that is being processed by the Body Corporate for the purpose of carrying on its objectives as defined in the STSMA. Furthermore, this policy ensures that personal and special personal information is used only for legitimate and reasonable purposes and that it is processed lawfully by the Body Corporate and is adequate and reasonable.

**Key risks identified** are breach of confidentiality, breach of security through unauthorised access and harm in the event of outdated and/or misleading information.

## Personal Information includes:

Information relating to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person, including but not limited to: names; identifying numbers; race; gender and sex; pregnancy status; marital status; national, ethnic or social origin; colour; sexual orientation; age; physical or mental health; well-being; disability; religion; conscience; belief; culture; language and birth of the person; email addresses; physical addresses; telephone numbers; biometric information and letters from or about a person that contain confidential information.



## Processing involves any activity concerning:

The collection, receipt, recording, organising, storage, updating or modification, retrieval, alteration, consultation or use; dissemination and distribution; merging, linking, degradation and destroying of information.



## Purpose of processing information:

Compliance with the law and storage for record keeping purposes, as well as ensuring the safety and security of residents of the Scheme, and, generally, in the pursuit of the legitimate interests of the Scheme.



## PERTINENT SECTIONAL TITLE LEGISLATION AND STATUTORY OBLIGATIONS IMPOSED ON THE BODY CORPORATE:

Books of Account and Record – **Prescribed Management Rule 26(1)(c)** states that the books of account include individual accounts for each member.

### **Management Rule 26(2):**

“On the application of any member, registered bondholder or of the managing agent, the body corporate must make all or any of the books of account and records available for inspection and copying.”

### **Management Rule 27(2)(b):**

“The Body Corporate must prepare and update the following records – lists of Trustees, Members and Tenants with their:

- i. full names;
- ii. identity numbers, or in case of non-South Africans, their passport numbers;
- iii. section addresses and mailing addresses, if different;
- iv. telephone numbers; and
- v. email or other electronic addresses, if any.”

**Section 13(1)(f) of the STSMA** obliges the owner of a unit “to notify the body corporate of any change in ownership or occupancy of his or her section and of any mortgage without delay”.

### **Section 3(1)(n) of the STSMA:**

“A Body Corporate’s functions include complying with any **reasonable request** for the names and addresses of the persons who are the Trustees of the Body Corporate in terms of the rules or who are members of the Body Corporate.”

The STSMA and the Prescribed Management Rules must be read together. Who has access to this Personal Information?

- a. Auditors;
- b. Managing Agents and Portfolio Managers;
- c. Registered bondholders; and
- d. Owners.

Certain information already of public record:

Owner’s details:

- a. Owner’s full name;
- b. Owner’s Identity Number;
- c. All properties owned by the owner;
- d. Purchase price of property; and
- e. Bonds registered over property.

## INFORMATION POLICY

	OWNERS	TENANTS	TRUSTEES	VISITORS	STAFF
How collected	<ul style="list-style-type: none"> <li>Public records</li> <li>Owner</li> </ul>	<ul style="list-style-type: none"> <li>Owner/Tenant</li> </ul>	<ul style="list-style-type: none"> <li>Trustee</li> </ul>	<ul style="list-style-type: none"> <li>Visitor</li> </ul>	<ul style="list-style-type: none"> <li>Staff</li> </ul>
What Info	<ul style="list-style-type: none"> <li>Full names;</li> <li>Identity numbers, or passport numbers;</li> <li>Section addresses and mailing addresses;</li> <li>Telephone numbers;</li> <li>E-mail or other electronic addresses;</li> <li>Banking Details.</li> </ul>	<ul style="list-style-type: none"> <li>Full names;</li> <li>Identity numbers, or passport numbers;</li> <li>Section addresses and mailing addresses;</li> <li>Telephone numbers;</li> <li>E-mail or other electronic addresses.</li> </ul>	<ul style="list-style-type: none"> <li>Full names;</li> <li>Identity numbers, or passport numbers;</li> <li>Section addresses and mailing addresses;</li> <li>Telephone numbers;</li> <li>E-mail or other electronic addresses.</li> </ul>	<ul style="list-style-type: none"> <li>Full names;</li> <li>Identity numbers, or passport numbers;</li> <li>Driver's license details.</li> </ul>	<ul style="list-style-type: none"> <li>Full names;</li> <li>Identity numbers, or passport numbers;</li> <li>Mailing addresses.</li> </ul>
How Held	<ul style="list-style-type: none"> <li>Electronically</li> <li>Hard copy</li> </ul>	<ul style="list-style-type: none"> <li>Electronically</li> <li>Hard copy</li> </ul>	<ul style="list-style-type: none"> <li>Electronically</li> <li>Hard copy</li> </ul>	<ul style="list-style-type: none"> <li>Electronically</li> <li>Hard copy</li> </ul>	<ul style="list-style-type: none"> <li>Electronically</li> <li>Hard copy</li> </ul>
Purpose	<ul style="list-style-type: none"> <li>Comply with legislation</li> <li>Communication</li> </ul>	<ul style="list-style-type: none"> <li>Comply with legislation</li> <li>Communication</li> </ul>	<ul style="list-style-type: none"> <li>Communication</li> </ul>	<ul style="list-style-type: none"> <li>Access Control and security</li> </ul>	<ul style="list-style-type: none"> <li>Access Control and security</li> </ul>
Access	<ul style="list-style-type: none"> <li>As required in terms of Law</li> <li>In accordance with POPI</li> </ul>	<ul style="list-style-type: none"> <li>As required in terms of Law</li> <li>In accordance with POPI</li> </ul>	<ul style="list-style-type: none"> <li>Consent required</li> <li>In accordance with POPI</li> </ul>	<ul style="list-style-type: none"> <li>Consent required</li> <li>In accordance with POPI</li> </ul>	<ul style="list-style-type: none"> <li>Consent required</li> <li>In accordance with POPI</li> </ul>

### SAFETY & SECURITY MEASURES:

The Body Corporate is legally obliged to provide adequate protection for the personal information it holds and to stop unauthorized access, use and misuse of personal information. The Body Corporate, will, on an on-going basis, continue to review its security controls and related processes to ensure that your personal information remains secure. The Body Corporate may disclose your personal information to its service providers who are involved in the delivery of products or services to you or to other responsible third parties. The Body Corporate has agreements in place to ensure that these service providers/third parties comply with the privacy requirements as required by POPI. Contracts are entered into with service providers and third party operators to ensure that the personal information that the Body Corporate remains responsible for, is kept secure and that they agree to treat your personal information with the same level of protection as prescribed in POPI.

- Safety and security measures, anti-virus software and firewalls in place.

1. Personal Information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.
2. The consent of members to process certain Personal Information, in terms of the STSMA and Prescribed Management Rules, is not required, as the obligation to process and distribute such Personal Information is required by Law.
3. Members may be required to furnish the Body Corporate with his/her details and that of all occupants.
4. Visitors may be required to provide certain information upon entering the Scheme.
5. The consent of visitors and guests to process Personal Information shall be implied by their access to the Scheme and, they agree to be bound by the Scheme's Conduct Rules.
6. The Body Corporate may process emergency contact details of members and occupants. It is the responsibility of the member or occupant concerned, to ensure that the requisite consent of the emergency contact, to process their personal information, has been obtained.
7. All Personal Information held in physical copies shall be kept safe and secure, to which only the Information Officer and/or his/her authorised representatives have access to.
8. The Body Corporate and/or its Managing Agent shall have adequate safeguards in place in respect of all Personal Information kept electronically, which safeguards shall be reviewed regularly.
9. All contracts entered into by the Body Corporate with third-parties shall be considered to ensure that each contract contains a clause in terms of which the parties undertake to comply with the provisions of POPI.
10. Staff member's Personal Information shall be retained for a period of three years after the staff member is no longer employed, whereafter, that information which is not in the public domain shall be destroyed.
11. Personal Information regarding members and/or occupants is to be retained for a period of seven years after the person is no longer a member or occupant of the Scheme, whereafter, that information which is not in the public domain shall be destroyed.
12. Visitors' details, if applicable, shall be retained for a period of three years.
13. Trustees' information shall be kept indefinitely.

## ACCESS TO PERSONAL INFORMATION

1. Members/Occupants/Data Subjects have the right to request what Personal Information is being held and the right to access such Personal Information, upon a written request.
2. Members/Occupants/Data Subjects have the right to request that Personal Information be updated, corrected and/or deleted.
3. Members/Occupants/Data Subjects are to notify the Information Officer if any information is incorrect/outdated, and the correct/updated information is to be provided.
4. Access to another data subject's Personal Information will only be provided if the request for such information is in pursuit of the legitimate purpose for which it was obtained and/or in furtherance of the proper management and administration of the Scheme and/or with the written consent of such data subject.

5. If the information is not required in furtherance of the proper management and administration of the Scheme, or there is a reasonable possibility that it may not be, then the Personal Information will not be distributed without obtaining the prior written consent of the member/occupier/data subject concerned. If the consent is not obtained, the Personal Information shall not be provided.
6. In the event that the data subject requires his/her Personal Information be deleted, the Body Corporate may need to terminate all agreements with the data subject. The Body Corporate may also refuse to delete the data subject's Personal Information if required by law to retain it, or in the event it needs to protect its rights.
7. Any person may request access to the Body Corporate's PAIA Manual.

## ACCESS PROCEDURE

Any person making a request for access to Personal Information held by the Body Corporate, must provide the following:

- a. His or her full details;
- b. Proof of his or her Identity;
- c. Details of the Personal Information required; and
- d. The reason why the Personal Information is required.

The Information Officer shall determine whether the request for Personal Information is reasonable and ought to be given in the circumstances.

Special Personal Information (ie. biometrics, religion, race/ethnic origin, health status, sex life, and alleged criminal offences) will not be processed and/or distributed without the person's specific consent.

## FURTHER PROCESSING OF PERSONAL INFORMATION

1. Personal information may be processed in the following circumstances:-
  - a. When consent has been obtained from the data subject;
  - b. When there is a legitimate and lawful reason or purpose;
  - c. When processing is necessary for the safety and security of members of the Body Corporate;
  - d. When it is required in terms of Law to ensure the proper functioning of the Body Corporate; and
  - e. Generally, in the pursuit of the legitimate interests of the Body Corporate or third party to whom the information is supplied.
2. In line with the above, the Body Corporate may disclose personal information to the following responsible third parties:-
  - a. Service Providers (the Body Corporate shall ensure that written contracts are signed with these Service Providers to ensure the safety and confidentiality of your Personal Information);
  - b. Government and Law enforcement authorities;
  - c. Financial Institutions;
  - d. Other third parties where disclosure is required by Law or otherwise;
  - e. To any other person with the express written consent of the data subject; and
  - f. In terms of the applicable sectional title laws as set out more fully herein.

## INFORMATION OFFICER:

The Body Corporate will appoint a responsible person, the Information Officer, to ensure that Personal Information is processed lawfully and in accordance with the conditions for lawful processing of Personal Information. The Information Officer's details will be announced from time-to-time and registered with the Information Regulator.

The Information Officer is to ensure that all Personal Information is accurate, complete and up to date. Members, Occupants and Trustees shall have access to Personal Information which the Body Corporate holds, upon written request, which request must be reasonable.

The Information Officer will ensure that all Personal Information processed is secured and kept confidential at all times, save as where disclosure is required in terms of the Law. The Information Officer will also ensure all Personal Information is kept safely and securely.

The Information Officer will notify persons as well as the Regulator immediately in the event of a breach.

## INFORMATION OFFICER'S DUTIES AND RESPONSIBILITIES:

1. Ensure compliance with the policy and POPI;
2. Review policy periodically;
3. Ensure Personal Information is processed correctly in terms of the policy and POPI;
4. Ensure that all Personal Information is accurate, complete and up to date;
5. Handle requests for access;
6. Provide access to Personal Information when required to do so;
7. Ensure adequate safeguards are in place;
8. Ensure that all Personal Information processed is secured and kept confidential at all times, save as where disclosure is required in terms of the Law;
9. Ensure all Personal Information is kept safely and securely;
10. Ensure all contracts contain a clause regarding POPI compliance;
11. Keep the Body Corporate's PAIA Manual in a safe place;
12. Handle all aspects of relationship with the Regulator;
13. Assist the Information Regulator in respect of any investigation;
14. Notify persons as well as the Information Regulator immediately in the event of a breach; and
15. Ensure Personal Information is destroyed when required.

## CCTV SURVEILLANCE CAMERAS:

1. Cameras have been installed in the Scheme. They are situated as per the layout sketch plan in Annexure "A".
2. The Information Officer is responsible for the control of the images, what is to be recorded and how images should be utilised.
3. In storing the footage, care is being taken that images cannot be corrupted and additionally that the footage is destroyed after a reasonable time.

## ACCESS CONTROL:

1. Identity documents are requested from visitors by the guards at the guardhouse and details of visitor recorded.
2. The Personal Information is protected by POPI, shall not be shared unless required by Law to do so and is destroyed after a reasonable time period.

## Key principles recognised:



### ACCOUNTABILITY

The Information Officer and Trustees are accountable for POPI compliance.



### INFORMATION QUALITY

Information must constantly be assessed and updated.



### CONSENT

Processing of Personal Information is undertaken with explicit consent from the individual whose information is being processed or shared, alternatively, where no consent is required, in terms of an obligation in law to process such Personal Information or where processing is necessary for pursuing the legitimate interests of the Body Corporate or third party to whom the Personal Information is supplied.



### OPPENNESS

Owners, trustees, tenants and individuals have been notified of what Personal Information the Body Corporate holds.



### PURPOSE OF INFORMATION

Personal information is only processed for specific and legitimate purposes that relate to the functions or activities of the scheme. Information is kept for as long as it is required and is deleted thereafter.



### SECURITY SAFEGUARDS

The Information Officer and Trustees ensure that Personal Information is kept safe and have implemented appropriate safeguards against identified risks. Operator agreements have been entered into with the Managing Agent, if applicable, and all other third parties. If a person's Personal Information has been compromised, that person will be notified as soon as reasonably possible.



### FURTHER PROCESSING LIMITATION

Trustees will not allow the database of Personal Information to be utilised for any other purpose not specifically related to the functioning of the scheme.



### OWNER / TENANT PARTICIPATION

Individuals can request access to Personal Information and the correction or deletion of any of their Personal Information.

## DATA PRIVACY STATEMENT

The Body Corporate undertakes to take reasonable steps to protect the confidentiality and security of personal information when it is disclosed to a third party and shall seek to ensure that the third party deals with the personal information in accordance with POPI and that it is used only for the purposes for which it was disclosed.

## IMPLEMENTATION

The Information Officer together with the Trustees of the Body Corporate confirm of the contents hereof.

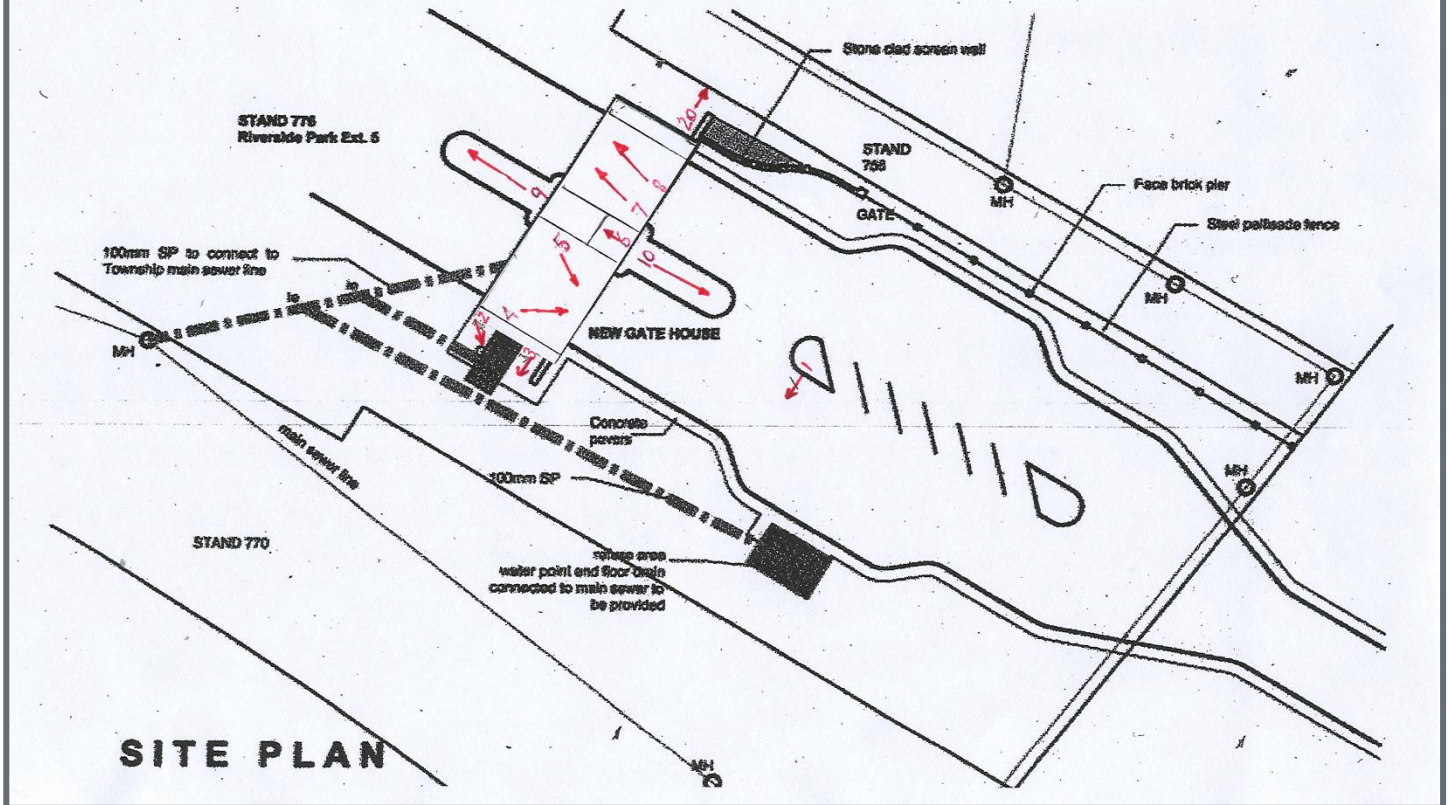
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**INFORMATION OFFICER**

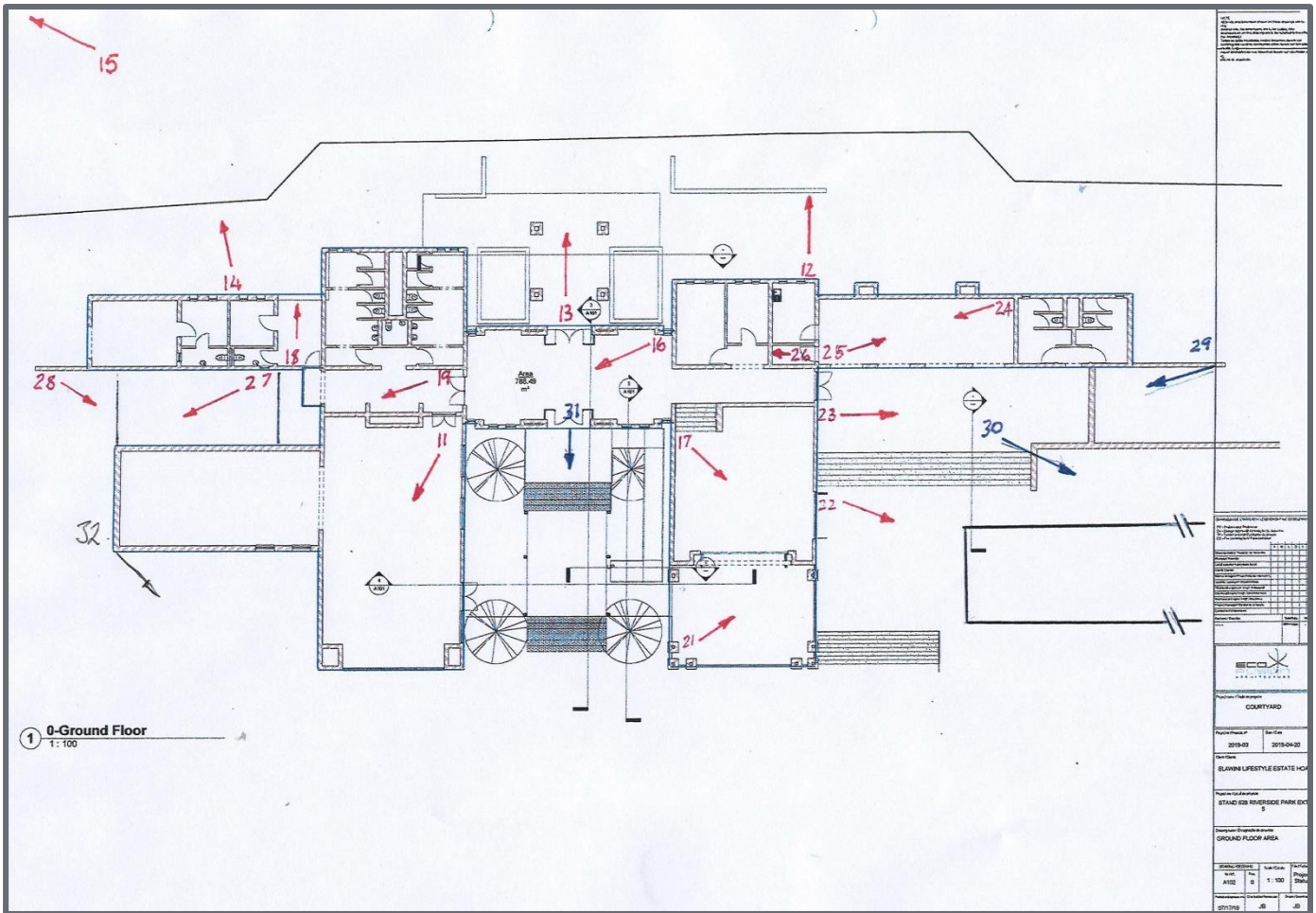
**DATE:** \_\_\_\_\_



### SITE PLAN ELAWINI GATE HOUSE SCALE 1:2500



1. Intercom at visitors' entrance boom gate
2. Pedestrian turnstile internal
3. Pedestrian turnstile external
4. Resident vehicle lane entry
5. Visitors' vehicle lane entry
6. Guard room internal
7. Visitors' vehicle lane exit
8. Residents' vehicle lane exit
9. Approach to security gate internal
10. Approach to security gate external
20. Refuse House Door



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|--|--|
| 11. Gym interior                       | 23. Swimming pool area deck                    |
| 12. Elawini Boulevard Traffic Circle 1 | 24. Swimming pool area veranda 1               |
| 13. Parking Area                       | 25. Swimming pool area veranda 2               |
| 14. Tennis Court Access                | 26. Server room                                |
| 15. Elawini Boulevard Traffic Circle 2 | 27. Storeroom internal                         |
| 16. Clubhouse reception                | 28. Storeroom external                         |
| 17. Business Centre / Boardroom        | 29. Swimming pool area deck 2                  |
| 18. Gym access turnstile               | 30. Swimming pool area 2                       |
| 19. Gym passage                        | 31. Wheelchair ramp area and deck              |
| 21. Business Centre/Boardroom veranda  | 32. South East Corner of Squash Court Exterior |
| 22. Swimming pool area                 |  |