

MANUAL PREPARED IN ACCORDANCE WITH

THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (“POPIA”)

FOR

Villas of Kyalami Hills Homeowners Association

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1. Introduction

Association: Villas of Kyalami Hills Homeowners Association

Address of Association: 40 Robin Ave, Kyalami Hills, Midrand, 1685

Information officer: Elwin Els

2. Definitions

In this Manual the following words, unless the context otherwise requires, have the meanings hereinafter assigned to them:

- (a) “**Association**” means the Villas of Kyalami Hills Homeowners Association;
- (b) “**BCEA**” means the Basic Conditions of Employment Act 75 of 1997;
- (c) “**consent**” means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information;
- (d) “**CSOS**” means the Community Schemes Ombud Service;
- (e) “**CSOSA**” means the Community Schemes Ombud Service Act 9 of 2011;
- (f) “**data subject**” means any party to whom Personal Information relates;
- (g) “**Information Officer**” means the party responsible for ensuring that the Association complies with the conditions of POPIA;
- (h) “**Information Regulator**” means the new regulator created by POPIA. The Information Regulator has been created to investigate and fine responsible parties for infringements of Personal Information;
- (i) “**LRA**” means the Labour Relations Act 66 of 1995;
- (j) “**member**” means the registered owner of any of the erven, and units where applicable, within the Association;
- (k) “**PAIA**” means the Promotion of Access to Information Act 2 of 2000;
- (l) “**person**” means a natural or juristic person;
- (m) “**Personal Information**” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person and includes but is not limited to:
 - (i) banking information;
 - (ii) email addresses;

- (ii) biometric information;
- (iv) registered names;
- (v) identity information;
- (vi) marital statuses;
- (vii) nationalities;
- (viii) registered names;
- (ix) service address;
- (x) contact numbers;
- (xi) insurance information, and
- (xii) accounting records, including Audited Financial Statements.

(n) “**POPIA**” means the Protection of Personal Information Act 4 of 2013;

(o) “**processing**” means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:

- (i) the collection, receipt, recording, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- (ii) dissemination by means of transmission, distribution or making available in any other form, or
- (iii) merging, linking, as well as restriction, degradation, erasure or destruction of information.

(p) “**responsible party**” means a public or private body, or any other person which, alone or in conjunction with others, determines the purpose of and means for processing Personal Information;

(q) “**record**” means any recorded information:

- (i) regardless of form or medium, including any of the following:
 - (aa) writing on any material, and
 - (bb) information produced, recorded or stored by means of any computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;
- (ii) in the possession or under the control of a responsible party;
- (iii) whether or not it was created by a responsible party, and

(iv) regardless of when it came into existence.

3. Purpose of this Manual

The purpose of this manual is to assist the Association to be compliant and to align itself with the purpose and intent of the POPIA.

4. Compliance with Law

This manual complies with the POPIA, the PAIA, as well as with good corporate governance practice, and ensures that the Personal Information collected is adequate and reasonable.

5. Applicability

The POPIA was enacted to promote and protect an individual's right to privacy, including the protection against the unlawful collection, use, disclosure and destruction of Personal Information. The Association has a duty to protect its members' Personal Information and it has put measures in place to prevent breaches and liability in terms of the POPIA. The POPIA is applicable to the Association as it is involved in the processing of Personal Information. This includes the collection, using of, storing, sharing, maintaining and destroying of Information when involved in the lawful record keeping related to the functioning of the Association in terms of the obligations imposed in terms of its constitution or memorandum of incorporation, the BCEA, CSOSA and LRA. It also advises how members can update or delete their Personal Information. The Association strives to implement and maintain reasonable, commercially acceptable security procedures in order to protect it from breaches of confidentiality, unauthorised access, destruction, use, modification or disclosure.

6. Information Officer

The Association has appointed Elwin Els as the Information Officer who is responsible for ensuring that the Association complies with the POPIA. They have also been registered with the Information Regulator.

The Information Officer of the Association will be responsible for the following:

- (a) encourage compliance with the conditions for the lawful processing of Personal Information by the Association;
- (b) deal with requests made pursuant to the POPIA;
- (c) work with the Information Regulator in relation to investigations conducted;
- (d) ensure compliance by the Association with the provisions of the the POPIA;
- (e) develop, implement and monitor a compliance framework as per this manual;
- (f) ensure that Personal Information impact assessments are done regularly to ensure that adequate measures and standards exist within the Association;

(g) develop, monitor, maintain and make available a PAIA manual;

(h) develop internal measures and adequate systems within the Association to process requests for access to information, and

(i) ensure that internal awareness sessions are conducted with all employees, if any, of the Association on a regular basis.

7. The Information Regulator

The Information Regulator was established on 1 December 2016 and is a new regulator created by the POPIA. The Information Regulator has extensive powers to investigate and fine responsible parties. Data subjects are able to complain to the Information Regulator, who then takes action on behalf of the complainants. It regulates both the POPIA and the PAIA, and reports to Parliament. The Information Regulator is independent and is subject only to the Constitution of the Republic of South Africa, 1996, and to the law, and must be impartial and perform its functions and exercise its powers without fear, favour or prejudice. One of the functions of the Information Regulator is to protect data subjects from harm and ensure that their Personal Information is protected by responsible parties. The Information Regulator can hold responsible parties accountable for not complying with the POPIA.

7.1 What are the responsibilities of the Information Regulator?

The powers, duties and functions of the Regulator are to:

- (a) Provide education;
- (b) Monitor and enforce compliance;
- (c) Consult with interested parties;
- (d) Handle complaints;
- (e) Conduct research and to report to Parliament;
- (f) Issue codes of conduct for different sectors, and
- (g) Facilitate cross-border cooperation in the enforcement of privacy laws by participating in any initiative that is aimed at such cooperation.

The Information Regulator must take account of international obligations accepted by South Africa and consider any developing general international guidelines relevant to the better protection of individual privacy.

7.2 Complaints lodged with the Information Regulator

The Information Regulator must investigate complaints received from persons regarding any interference with the protection of their Personal Information.

Interference consists of:

- (a) Any breach of the conditions for the lawful processing of Personal Information set out in the POPIA;
- (b) Non-compliance with any obligation created in terms of the POPIA, and
- (c) A breach of the provisions of a code that has been issued by the Information Regulator.

8. Privacy Policy

- (a) How is Personal Information collected by the Association?

The Association collects Personal Information via member submissions, public records, visitors to the Association and submission by employees, if any, of the Association.

- (b) What information is collected by the Association?

The information collected by the Association includes banking information, email addresses, biometric information, if relevant, identity information, marital statuses, nationalities, registered names, service addresses, contact numbers, insurance information and accounting records.

- (c) How does the Association use the Personal Information?

The Association uses the Personal Information collected to administer and to ensure the proper functioning of the Association as imposed by its governance documentation. The Personal Information is also used to communicate with members in regard to the administration and management of the Association.

- (d) How is Personal Information stored by the Association?

Personal Information is stored by the Association in physical copies or electronically. All Personal Information is held in a secure environment, to which only the Information Officer and/or their authorised representatives have access to.

- (e) Who has access and how is Personal Information shared by the Association?

The Association provides access to auditors, managing agents, portfolio managers, security companies and their employees, members and other service providers appointed by the Association. These parties have access to Personal Information only to perform specific tasks on the Association's behalf. The Association does not use or disclose the Personal Information for any other purpose. The Personal Information is shared in physical copies or electronically submitted by the Association to the parties who require access. All contracts entered into by the Association with third party service providers shall contain a clause in terms of which the parties undertake to comply with the provisions of the POPIA.

- (f) How does the Association maintain the Personal Information?

The security of Personal Information is important to the Association and it strives to implement and maintain reasonable, commercially acceptable security procedures and practices appropriate to the nature of the information stored, in order to protect it from unauthorised access, destruction, use, modification, or disclosure.

(g) How is Personal Information destroyed by the Association?

Personal information regarding members, occupants and residents is not retained after the person is no longer a member, occupant or resident of the Association. Visitors' details are retained for so long as the duration of the visit to the Association. Trustees' information is kept indefinitely. Employees of the Association's private information is retained for a period after time as guided by the Association's accountant or auditor, after the employee is no longer employed by the Association.

9. Closed-Circuit Television ("CCTV") Surveillance Cameras (where applicable)

CCTV has been installed at the Association. They are situated as per the layout sketch plan in Annexure "A". The Information Officer is responsible for the control of the images, what is to be recorded and how images should be utilised. In storing the footage, care is being taken that images cannot be corrupted and additionally that the footage is destroyed after a set period of time.

10. Guardhouse and Access Control at the Association (where applicable)

Identity cards, or similar, and contact information are requested from visitors by the security guards at the guardhouse. A scan of the cards or similar are made. This information is protected by the POPIA and cannot be shared. The information is destroyed after set period of time. Biometric information, where relevant, is stored by the Association for the purposes of biometric access to the Association by members, occupants and residents. This information is protected by the POPIA and cannot be shared. It is not retained for a period after the person is no longer a member, occupant or resident of the Association.

11. Conditions of the POPIA that the Association comply with when processing Personal Information

(a) Accountability

The Information Officer has ensured that the conditions of the POPIA are complied with when the Association processes Personal Information.

(b) Lawfulness

The Personal Information processed by the Association is lawful and done so in a reasonable manner so as not to infringe the privacy of any of its members, occupiers, residents, visitors, contractors and/or employees.

(c) Minimality

Personal information is only processed and documented when adequate, relevant and not excessive.

(d) Consent

The consent to process Personal Information of members, occupants and residents is not required, as the obligation to process the information is required by the Association's governance documentation. The consent of visitors and guests to the Association to process Personal Information is implied by their access to the Association and agreement to be bound by the Association's rules. Personal Information from contractors, service providers and employees of the Association is only processed once consent is obtained from them.

(e) Collection of Personal Information

The Association collects Personal Information via member submissions, public records, visitors to the Association and employees of the Association, if any.

(f) Purpose

Personal Information is only collected as specific and explicitly defined in this manual.

(g) Information quality

The Association ensures that the Personal Information collected is accurate, not misleading and updated where necessary.

(h) Openness

Where Personal Information is collected from another source, other than a member, occupant, resident, visitor, guest, contractor, service provider or employee, the Association takes reasonable steps to ensure that person is made aware of the collection.

(i) Information security

The Association has safeguarded all Personal Information against damage, loss, unauthorised access and unauthorised destruction. This includes both technical and organisational measures.

12. Processing of special Personal Information

The Association herewith undertakes to not process the following special Personal Information of members, occupants, residents, visitors, guests, contractors, service providers or employees of the Association:

- (a) the religious or philosophical beliefs, race or ethnic origin or sexual orientation, and
- (b) the criminal behaviour of any person.

13. Amendments to this manual by the Association

This manual is effective as of the date signed below and will remain in effect except with respect to any changes to the POPIA in the future, which will be in effect immediately after being enacted and signed by the President of the Republic of South Africa.

Signed at Johannesburg on this 22nd day of July 202⁵.

Elwin Els

Name

Information officer

Designation