

POPIA MANUAL

OF

HELDERBERG PROPERTY INVESTMENTS (PTY) LTD
("HELDERBERG")

Registration number 2021/341216/07

and Section 55 of the Protection of Personal Information Act No. 4 of 2013 as amended ("POPI Act")

Updated: April 2022

1. PURPOSE

This document sets out what the categories of personal information the Company may collect from you as well as how the Company processes that personal information.

2. DEFINITIONS

The following definitions are used in this Manual: -

- 2.1. **“Conditions for Lawful Processing”** - the conditions for the lawful Processing of Personal Information as fully set out in chapter 3 of POPIA;
- 2.2. **“Data Subject”** - the natural or juristic person to whom the Personal Information relates;
- 2.3. **“Company”** – Helderberg Property Investments (Pty) Ltd (registration number: 2021/341216/07), a company registered and incorporated with limited liability in accordance with the company laws of the Republic of South Africa;
- 2.4. **“Information Officer”** - Helderberg’s Chief Operating Officer as referred to in clause 3.2;
- 2.5. **“Manual”** – this manual prepared in accordance with regulation 4(1) (d) of the POPIA Regulations;
- 2.6. **“POPIA”** - the Protection of Personal Information Act, No. 4 of 2013;
- 2.7. **“Personal Information”** – the information relating to an unidentifiable, living, natural person, or an identifiable, existing juristic person, as defined in POPIA;
- 2.8. **“Processing”** - has the meaning ascribed thereto in section 1 of POPIA;
- 2.9. **“Responsible Party”** - has the meaning ascribed thereto in section 1 of POPIA;
- 2.10. **“Republic”** – the Republic of South Africa;

Capitalised terms used in this Manual have the meanings ascribed thereto in section 1 of POPIA, unless otherwise defined herein.

3. COMPANY DETAILS AND CONTACT DETAILS OF THE INFORMATION OFFICER

- 3.1. The details of the Company are as follows:

Physical address	Suite 1 Ground Floor, 3 Melrose Boulevard, Melrose Arch 2196, Johannesburg
Postal address:	P.O. Box 652737 Benmore 2010
Telephone number:	011 684 1570
Fax number	011 684 1131

- 3.2. The Information Officer’s contact details are as follows:

Chief Operating Officer	Grant Elliot
Physical address	Suite 1 Ground Floor, 3 Melrose Boulevard, Melrose Arch 2196, Johannesburg
Postal address	P.O. Box 652737 Benmore 2010
email address:	grant@thibaultinvestments.com

Mobile number:	082 857 0661
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4. PROTECTION OF PERSONAL INFORMATION

4.1. Introduction

- 4.1.1. Chapter 3 of POPIA provides for the minimum conditions for lawful "Processing" of "Personal Information" by a "Responsible Party" (as such terms are defined under POPIA). These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.
- 4.1.2. The Company requires Personal Information relating to both natural and legal persons in order to carry out its business and organisational functions. The manner in which this information is processed and the purpose for which it is processed is determined by the Company. Accordingly, the Company is a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject, amongst other things as prescribed by POPIA:
 - 4.1.2.1. is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by the Company, in the form of privacy or data collection notices. The Company must also have a legal basis (for example, but not limited to, consent) to process Personal Information;
 - 4.1.2.2. is processed only for the purposes for which it was collected;
 - 4.1.2.3. will not be processed for a secondary purpose unless that Processing is compatible with the original purpose;
 - 4.1.2.4. is adequate, relevant and not excessive for the purposes for which it was collected;
 - 4.1.2.5. is accurate and kept up to date;
 - 4.1.2.6. will not be kept for longer than necessary;
 - 4.1.2.7. is processed in accordance with integrity and confidentiality principles – this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, is subject to an appropriate level of security when stored, used and communicated by the Company, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
 - 4.1.2.8. is processed in accordance with the rights of Data Subjects, where applicable.

4.2. Data Subject Rights

Data Subjects have the right to:

- 4.2.1. be notified that their Personal Information is being collected by The Company. The Data Subject also has the right to be notified in the event of a data breach;
- 4.2.2. know whether The Company holds Personal Information about them and to access that information. Any request for information must be handled in accordance with the provisions of the Company's PAIA Manual;
- 4.2.3. request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained Personal Information;
- 4.2.4. object to The Company's use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to the Company's Record keeping requirements);

- 4.2.5. object to the Processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and
- 4.2.6. complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its Personal Information

4.3. Purpose of the Processing of Personal Information by the Company

As noted above, Personal Information held by the Company can only be processed for a specific purpose. The purpose for which the Company processes or will process Personal Information is set out below, provided however that this is not an exhaustive list: -

4.3.1. For consumers:

- 4.3.1.1. Performing duties in terms of any agreement with consumers;
- 4.3.1.2. Make, or assist in making, credit decisions about consumers;
- 4.3.1.3. Operate and manage consumers' accounts and manage any application, agreement or correspondence consumers may have with the Company;
- 4.3.1.4. Communicating (including direct marketing) with consumers by email, SMS, letter, telephone or in any other way about the Company's products and services, unless consumers indicate otherwise;
- 4.3.1.5. to form a view of consumers as individuals and to identify, develop or improve products, that may be of interest to consumers;
- 4.3.1.6. Carrying out market research, business and statistical analysis;
- 4.3.1.7. Performing other administrative and operational purposes;
- 4.3.1.8. Recovering any debt consumers may owe the Company;
- 4.3.1.9. Complying with the Company's regulatory and other obligations;
- 4.3.1.10. Any other reasonably required purpose relating to the Company's business.

4.3.2. For prospective consumers:

- 4.3.2.1. Verifying and updating information;
- 4.3.2.2. Pre-scoring;
- 4.3.2.3. Direct marketing; and
- 4.3.2.4. Any other reasonably required purpose relating to the Processing of a prospective consumer's Personal Information reasonably related to the Company's business.

4.3.3. For Employees:

- 4.3.3.1. The same purposes as for consumers (above);
- 4.3.3.2. verification of applicant employees' information during recruitment process;
- 4.3.3.3. General matters relating to employees: (i) Pension; (ii) Medical aid; (iii) Payroll; (iv) Disciplinary action; (v) Training;
- 4.3.3.4. Any other reasonably required purpose relating to the employment or possible employment relationship.

4.3.4. For vendors/suppliers/other businesses:

- 4.3.4.1. Verifying information and performing checks;
- 4.3.4.2. Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties;
- 4.3.4.3. Payment of invoices;
- 4.3.4.4. Complying with the Company's regulatory and other obligations; and
- 4.3.4.5. Any other reasonably required purpose relating to the Company's business.

4.4. **Categories of Data Subjects and Personal Information relating thereto**

In terms of section 1 of POPIA, a Data Subject may either be a natural or a juristic person. The Company may possess Records relating to suppliers, members, partners, contractors, service providers, staff and clients (tenants) which may be in connection with the following:

ENTITY TYPE	PERSONAL INFORMATION PROCESSED
Clients/prospective clients: Natural Persons	(i) Names; (ii) Physical; postal and e-mail addresses; (iii) Date of birth; (iv) ID number; (v) Passport number and permit number; (vi) Tax related information; (vii) Nationality; (viii) Gender; (ix) Confidential correspondence; (x) Banking details and financial information; (xi) employment details; (xii) telephone number; (xiii) marital status.
Clients/Prospective Clients – Juristic Persons / Entities	(i) Names of contact persons; (ii) Name of Legal Entity; (iii) Registration Number; (iv) Physical and Postal address and contact details; (v) Directors' information; (vi) Banking and Financial information; (vii) Founding documents; (viii) Tax related information; (ix) authorised signatories, beneficiaries, ultimate beneficial owners; (x) BBEE information.
Contracted Service Providers	(i) Names of contact persons; (ii) Name of Legal Entity; (iii) Registration Number; (iv) Physical and Postal address and contact details; (v) Financial information; (vi) Founding documents; (vii) Tax related information; behaviour; signatories, beneficiaries, ultimate beneficial owners; (viii) BBEE information.
Employees / Directors	(i) Name and contact details; (ii) Identity number and identity documents including passports; (iii) Employment history and references; (iv) Banking and financial details; (v) Details of payments to third parties (deductions from salary); (vi) Employment contracts; (vii) Remuneration/salary records; (viii) Performance appraisals; (ix) Disciplinary records; (x) Leave records; (xi) Training records; (xii) Biometric information; (xiii) Information relating to the education, financial, criminal history; (xiv) Information relating to race, gender, marital status, national origin, age disability, language and birth; (xv) Confidential correspondence sent by the Employee/Director; (xvi) the views of opinions of another individual about the Employee/Director. .

4.5. The Company may supply Personal Information to the following recipients:

- 4.5.1. Any firm, organisation or person that the Company uses to collect payments and recover debts or to provide a service on its behalf;

- 4.5.2. Any firm, organisation or person that/who provides the Company with products or services;
 - 4.5.3. Any payment system the Company uses;
 - 4.5.4. Regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where the Company has a duty to share information;
 - 4.5.5. Third parties to whom payments are made on behalf of employees;
 - 4.5.6. Financial institutions from whom payments are received on behalf of Data Subjects;
 - 4.5.7. Any other operator not specified;
 - 4.5.8. Employees, contractors and temporary staff; and
 - 4.5.9. Agents
- 4.6. **Cross-border flows of Personal Information**
- 4.6.1. Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa if the:
 - 4.6.1.1. recipient country can offer such data an “adequate level” of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPIA; or
 - 4.6.1.2. Data Subject consents to the transfer of their Personal Information; or
 - 4.6.1.3. transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
 - 4.6.1.4. transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
 - 4.6.1.5. the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would in all likelihood provide such consent.
 - 4.6.2. When making authorized disclosures or transfers of Personal Information in terms of section 72 of POPIA, Personal Data may be disclosed to recipients located in countries which do not offer a level of protection for those data as high as the level of protection as South Africa.
- 4.7. **General Description of Information Security Measures**
- The Company employs up to date technology to ensure the confidentiality, integrity and availability of the Personal Information under its care. Measures include:
- 4.7.1. Firewalls;
 - 4.7.2. Virus protection software and update protocols;
 - 4.7.3. Logical and physical access control;
 - 4.7.4. Secure setup of hardware and software making up the IT infrastructure;
 - 4.7.5. Outsourced service providers who process Personal Information on behalf of the Company are contracted to implement security controls.
- 4.8. **Objection to the Processing of Personal Information by a Data Subject**
- Section 11(3) of POPIA and regulation 2 of the POPIA Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its personal information in the prescribed form attached to this manual as Annexure A subject to exceptions contained in POPIA.
- 4.9. **Request for correction or deletion of Personal Information**
- Section 24 of POPIA and regulation 3 of the POPIA Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form attached as Annexure B.

5. REVISIONS TO THIS POLICY

The Company may amend this Manual from time to time. It is available and accessible at <http://www.helderbergcentre.com> or on request to the Company's designated Information Officer (being the person duly authorised by the head of the Company and appointed by the Company to act in this capacity).

ANNEXURE A

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 2]**

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registeredname of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) <i>(Please provide detailed reasons for the objection)</i>

Signed at this day of20.....

.....
Signature of data subject/designated person

ANNEXURE B

**Request for correction or deletion of personal information
(Form 2 of the Regulations)
FORM 2**

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR
DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE
PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.
4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 3]**

Note:

1. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

Mark the appropriate box with an "x".

Request for:

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	

Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED
<p>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONALINFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</p> <p><i>(Please provide detailed reasons for the request)</i></p>	

Signed at this day of20.....

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Signature of data subject/ designated person