

# **ROOMKING (PTY) LTD**

Registration Number:

## **PROTECTION OF PERSONAL INFORMATION POLICY**

(In this Policy, all references to sections are to the Protection of Personal Information Act, 2013  
unless otherwise specified)

**LAST UPDATED: MAY 2023**

## Protection of Personal Information Policy

### 1. INTRODUCTION

The Protection of Personal Information Act (POPIA) is an Act about privacy to ensure that all South African organisations conduct themselves in a responsible manner when collecting, processing, storing and sharing personal data and ensures that the right to privacy is taken seriously and includes a data subject's right to be protected against any unlawful collection, retention, dissemination and use of their personal information.

This policy is intended to protect the personal information and special personal information of members, tenants, employees, visitors, contractors, and other relevant parties that is being processed by the Company for the purpose of carrying on its objectives as defined in the Sectional Titles Schemes Management Act, 8 of 2011 (STSMA) and further ensures that this information is used for legitimate reasons and purpose.

The company scheme is committed to effectively managing personal information in accordance with POPIA's provisions.

### 2. APPLICABILITY

This document applies to all members of the Company, trustees, tenants, employees, contractors, agents and other persons acting on behalf of the Company and all potential and existing data subjects.

### 3. KEY DEFINITIONS

In this Policy, unless the context indicates a contrary intention, the following words and expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings -

- (1) **“Biometrics”** means a technique of personal identification that is based on physical, physiological or behavioral characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition.
- (2) **“Company”** means RoomKing, with registration number SS 1092/2007.
- (3) **“Consent”** means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.
- (4) **“Contractor”** means any person who is not an employee who works for the Company and who receives, or is entitled to receive, any remuneration and any other person who in any manner assists in carrying on or conducting the business of the Company.

- (5) **“Data Subject”** means the person to whom the personal information relates, including but not limited to members of the Company, trustees, tenants, employees, contractors, agents and other relevant parties.
- (6) **“Filing System”** means any structured set of personal information, whether centralized, decentralized or dispersed on a functional or geographical basis, which is accessible according to specific criteria.
- (7) **“Information Officer”** means the designated compliance officer appointed by the Company to address compliance with the Act, from time to time.
- (8) **“Operator”** means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party.
- (9) **“Person”** means a natural person or a juristic person.
- (10) **“Personal Information”** is any information that can be used to reveal a person’s identity. Personal information relates to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person, including, but not limited to information concerning:
  - (a) 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, and birth of the person.
  - (b) Information relating to the education or the medical, financial, criminal or employment history of the person.
  - (c) Any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person.
  - (d) The biometric information of the person.
  - (e) The personal opinions, views or preferences of the person.
  - (f) Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence.
  - (g) The views or opinions of another individual about the person.
  - (h) The name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.
- (11) **“Processing”** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including the collection, receipt, recording, organization, collation, storage, updating or modification, retrieval, alteration, consultation or use, dissemination by means of transmission, distribution or

making available in any other form, or merging, linking, as well as restriction, degradation, erasure or destruction of information.

- (12) **“Record”** means any recorded information, regardless of form or medium, including:
- (a) Writing on any material.
  - (b) Information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored.
  - (c) Label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means.
  - (d) Book, map, plan, graph or drawing.
  - (e) Photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced.
- (13) **“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.

#### 4. RIGHTS OF DATA SUBJECTS

POPI gives data subjects some control over their personal information by imposing requirements on organisations around their collection, use and disclosure of personal information. Where appropriate, the Company will ensure that data subjects are made aware of the rights conferred upon them as data subjects.

Each data subject has the right to:

- (1) Request what personal information is being held including the right to request access to that personal information.
- (2) Request personal information, where necessary, be corrected or deleted where the Company is no longer authorised to retain the personal information.
- (3) Object, on reasonable grounds, to the processing of their personal information.
- (4) Object to the processing of their personal information for purposes of direct marketing by means of unsolicited electronic communications.
- (5) Submit a complaint to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA.
- (6) To be notified that personal information is being collected by the Company.

## 5. CONDITIONS FOR LAWFUL PROCESSING OF PERSONAL INFORMATION

POPIA provides 8 (eight) mandatory conditions or guiding principles under which personal information may legally be collected and processed. The Company and persons acting on behalf of the Company must at all times be subject to, and act in accordance with, the following guiding principles:

- (1) **Accountability**: (Section 8) - The party responsible for processing personal information must ensure that all the conditions for the lawful processing of personal information are met at all times during the collection and processing of personal information.
- (2) **Processing limitation**: (Section 9-12) – Personal information must be processed lawfully and in a reasonable manner which does not infringe the rights of the Data Subject. The purpose for processing must be adequate, reasonable and not excessive.
- (3) **Purpose specification**: (Section 13-14) – Personal information may only be processed for a specific, explicitly defined and lawful purpose. Personal information may only be processed for legitimate reasons relating to the functions or activities of the Company.
- (4) **Further processing limitation**: (Section 15) – Further processing of personal information must be compatible with the purpose for which it was collected.
- (5) **Information quality**: (Section 16) – The Responsible Party must take reasonable practical steps to ensure that the personal information is complete, accurate, not misleading and updated where necessary.
- (6) **Openness**: (Section 17-18) – The Responsible Party must maintain the documentation of all processing operations under its responsibilities in terms of the Act and the Data Subject must be aware that personal information is being collected and for what purpose the information will be used.
- (7) **Security safeguards**: (Section 19-22) – Personal information must be kept secure against the risk of loss, unlawful access, interference, modification, unauthorized destruction, and disclosure.
- (8) **Data Subject participation**: (Section 23-24) – Data subjects may request whether their personal information is held, as well as the correction and/or deletion of any personal information held about them.

## 6. COLLECTION AND PROCESSING OF PERSONAL INFORMATION

- (1) The Company is fully compliant with POPIA and has invested resources to ensure that the employees and/or contractors understand how to handle personal information. The Company and/or contractors must follow the following guidelines when dealing with data subject's personal information:
  - (a) The personal information requested must only be used for lawful purposes.

- (b) The personal information must be processed for a purpose which is adequate, relevant and not excessive.
- (c) The personal information may only be collected with the data subject's consent. The burden of proof rests with the employees and/or contractors, to prove that the information was obtained with the data subject's consent.
- (d) The personal information may only be collected that is necessary for a specific purpose.
- (e) Personal information must not be retained for longer than necessary, except if it is required by law or is for a lawful purpose related to the Company's functions or activities or it is agreed upon in terms of contractual agreement.
- (f) The personal information in the Company's records should be updated as and when the data subject provides new or updated personal information.

## **7. PROCESSING LIMITATIONS OF PERSONAL INFORMATION**

- (1) The Company and/or Contractors may not use the data subject's personal information in any way that may be seen as revealing special information deemed to be insulting, disruptive, or offensive by other persons.
- (2) POPIA further limits the processing of special personal information of any of the following actions:
  - (a) Collection of personal information of minors;
  - (b) Collection of personal information regarding the data subject's religious or philosophical beliefs;
  - (c) Collection of personal information identifying the data subject's trade union membership or political opinions;
  - (d) Collection of personal information related to the data subject's sexual life, health, or biometric details;
  - (e) Collection of personal information revealing race or ethnic origin;
  - (f) Collection of personal information revealing criminal record behavior.
- (3) Unless processing is carried out with the consent of the data subject referred to in clause 7.2:
  - (a) Processing must be necessary for the establishment, exercise or defense of a right or obligation in law;
  - (b) Processing must be necessary to comply with an obligation of international public law;
  - (c) Processing must be for historical, statistical or research purposes to the extent that:
    - (i) The purpose serves a public interest, and the processing is necessary for the purpose concerned;

- (ii) It appears to be impossible or would involve a disproportionate effort to ask for consent, and sufficient guarantees are provided for to ensure that the processing does not adversely affect the individual privacy of the data subject to a disproportionate extent;
  - (d) The information must have deliberately been made public by the data subject; or
  - (e) Prior authorisation must have been given.
- (4) The Company and/or contractors may not use any data subject's personal information for personal gain on any such purposes as soliciting or proselytizing for commercial ventures, religious or personal causes or non Company related solicitations.

## **8. DE-IDENTIFYING PERSONAL INFORMATION**

- (1) The Company has a responsibility to ensure that information that is outdated or no longer needed, is discarded in manner that will no longer identify the data subject. The process will be called de-identifying information.
- (2) De-identifying means to delete any information that identifies the data subject's personal information which can be used or manipulated by a reasonably foreseeable method to identify the data subject or can be linked by a reasonably foreseeable method to other information that identifies the data subject.
- (3) Archived information records are stored securely on or offsite and a certificate of destruction will be obtained for each archived file/ batch of personal information destroyed.
- (4) It is imperative that each and every employee and/or contractor takes all the necessary precautions to ensure the abovementioned protocols are adhered to. Should the Company receive any complaints of failure to protect the data subject's information, the claim must be disproved before the Information Officer.

## **9. THE DATA SUBJECT'S RIGHT TO ACCESS TO PERSONAL INFORMATION**

- (1) The owner of personal information can request that the Company provide them with the record, or a description of the personal information, the identity of any third party who may have access or had access to their personal information.
- (2) The Company has created a request form which must be completed by the data subject requesting the abovementioned access to information. The request form is marked annexure B.

## **10. BREACH OF SECURITY / UNAUTHORISED ACCESS TO INFORMATION**

- (1) Should the Company experience any security breach, it is required, by law, to notify the Regulator; and the data subject(s) whose information have been affected by the breach, unless the identity of such data subject(s) cannot be established.
- (2) Therefore, the Company and/or Contractor should report any known or suspected breach of information to the Information Officer.
- (3) The Company has established a complaints process to deal with allegations of leaked information. This will be addressed by the Information Officer.

## **11. INFORMATION OFFICER**

- (1) The responsibilities of the Information Officer include but are not limited to:
  - (a) To encouragement compliance, by the Company and employees alike, with the conditions for the lawful processing of personal information.
  - (b) To handle requests made to the Company pursuant to this Act.
  - (c) Working with the Information Regulator in relation to any ongoing investigations and will consult with the Information Regulator where appropriate, with regard to any other matter.
  - (d) To ensure compliance by the Company with the provision of POPIA; and as may be prescribed.
  - (e) To ensure that impact / risk assessments are performed regularly to ensure that adequate data protection security measures and standards exist within the Company.
  - (f) Approving any contracts entered into with operators, employees and other third parties which may have an impact on the personal information held by the Company. This will include overseeing the amendment of the Company's employment contracts and other service level agreements.
  - (g) Ensuring that employees and other persons acting on behalf of the Company are fully aware of the risks associated with the processing of personal information and that they remain informed about the Company's security controls.
  - (h) Organizing and overseeing the awareness training of employees and other individuals involved in the processing of personal information on behalf of the Company.
- (2) All data subjects and/or contractors may refer any queries, concerns or information of potential or actual breaches of personal information to the Information Officer.



<b>PERSONAL INFORMATION REQUEST FORM</b>	
<b>Please submit the completed form to the Information Officer:</b>	
Name	
Contact Number	
Email Address	
<p>Please be aware that we may require you to provide proof of identification prior to processing your request. There may also be a reasonable charge for providing copies of information requested.</p>	
<b>A. Particulars of Data Subject</b>	
Name & Surname:	
Identity Number:	
Postal Address:	
Contact Number:	
Email Address:	
<b>B. Request</b>	
I request the organisation to:	
(a) Inform me whether it holds any of my personal information	<input type="checkbox"/>
(b) Provide me with a record or description of my personal information	<input type="checkbox"/>
(c) Correct or update my personal information	<input type="checkbox"/>
(d) Destroy or delete a record of my personal information	<input type="checkbox"/>
<b>C. Instructions</b>	
<b>D. Signature</b>	
Signature           Date	

<b>POPI COMPLAINT FORM</b>	
<p>We are committed to safeguarding your privacy and the confidentiality of your personal information and are bound by the Protection of Personal Information Act.</p>	
<p><b>Please submit your complaint to the Information Officer:</b></p>	
Name	
Contact Number	
Email Address	
<p>Where we are unable to resolve your complaint, to your satisfaction, you have the right to complain to the Information Regulator.</p>	
<p><b>The Information Regulator:</b> Ms Mmamoroke Mphelo  <b>Physical Address:</b> SALU Building, 316 Thabo Sehume Street, Pretoria  <b>Email:</b> <a href="mailto:inforreg@justice.gov.za">inforreg@justice.gov.za</a> <b>Website:</b> <a href="http://www.justice.gov.za/infoereg/index.html">http://www.justice.gov.za/infoereg/index.html</a></p>	
<b>A. Particulars of Complainant</b>	
Name & Surname:	
Identity Number:	
Postal Address:	
Contact Number:	
Email Address:	
<b>B. Details of Complaint</b>	
<b>C. Desired Outcome</b>	
<b>D. Signature Page</b>	
Signature	
Date	

<b>POPI CONSENT FORM</b>	
<p>While we have always respected the privacy of members and residents, and safeguarded their personal information, we have strengthened our commitment to protecting personal information as a result of the Protection of Personal Information Act, 4 of 2013 (referred to as “POPIA”) which sets out the ground rules for how we collect, use and disclose personal information.</p> <p>We will inform members and residents of why and how we collect, use and disclose their personal information, obtain their consent where required, and only handle their personal information in a manner that a reasonable person would consider appropriate in the circumstances.</p> <p>We also want to make sure that you understand how and for what purpose we process your information. If for any reason you think that your information is not processed in a correct manner, or that your information is being used for a purpose other than that for what it was originally intended, you can contact your Information Officer. You can request access to the information we hold about you at any time and if you think that we have outdated information, please request us to update or correct it.</p>	
<b>Our Information Officer’s Contact Details</b>	
Name	
Contact Number	
Email Address	
<p><b>Purpose for Processing your Information.</b></p> <p>We collect, hold, use and disclose your personal information mainly to comply with lawful purposes and for the operational and administration management of the Company. It is mandatory for the Company in terms of section 27 of the Sectional Title Schemes Management Act to maintain updated records of trustees, members and the tenants with their full names; identity numbers or, in the case of non-South African citizens, their passport numbers; and section addresses and mailing addresses; telephone numbers; and email or other electronic addresses.</p> <p>Some other of your information that we hold may include:</p> <ul style="list-style-type: none"> <li>• Emergency contact information.</li> <li>• Vehicle registration number, vehicle license and driving license.</li> <li>• Biometric information, including but not limited to, if applicable information obtained from fingerprints, video, film, facial recognition and/or retinal scanning.</li> <li>• Verified banking details.</li> <li>• Correspondence of a private or confidential nature.</li> <li>• Any other personal information which is reasonably required for the management of the Company.</li> </ul> <p>The Personal Information we collect is necessary to fulfil the following purposes, some of which are mandatory:</p> <ul style="list-style-type: none"> <li>• To communicate with members and residents.</li> <li>• To collect and process levy and other payments’.</li> <li>• To deliver requested services.</li> <li>• To ensure the orderly management of the scheme.</li> <li>• To respond to emergencies.</li> <li>• To comply with legal and regulatory requirements or when it is otherwise allowed by law.</li> </ul>	

**Consent to Disclose and Share your Information.**

Your personal information is kept confidential, however, under certain circumstances, we may lawfully disclose it to third parties. We have agreements and security measures in place to ensure that all third parties to whom your personal information is disclosed comply with the terms and provisions of the POPIA. We ensure that third parties fully understand the duties and obligations they become encumbered with in retaining the privacy and integrity of your personal information.

I hereby consent to the collection and processing of my personal information by the Company:

Name & Surname

Signature

Date

## ANNEXURE D

### ADDENDUM TO CONTRACT OF EMPLOYMENT

<b>PROTECTION OF PERSONAL INFORMATION ACT DECLARATION</b>	
Company	RoomKing
Employee:	
<b>EMPLOYEE CONSENT AND CONFIDENTIALITY CLAUSE</b>	
<p>(1) "Personal Information" means any information that can be used to reveal a person's identity. Personal information relates to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person (such as a Company), including, but not limited to information concerning:</p> <ul style="list-style-type: none"><li>(a) 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, and birth of the person;</li><li>(b) Information relating to the education or the medical, financial, criminal or employment history of the person;</li><li>(c) Any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;</li><li>(d) The biometric information of the person;</li><li>(e) The personal opinions, views or preferences of the person;</li><li>(f) Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;</li><li>(g) The views or opinions of another individual about the person;</li><li>(h) The name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.</li></ul>	
<p>(2) "POPIA" shall mean the Protection of Personal Information Act 4 of 2013 as amended from time to time.</p>	
<p>(3) The Company undertakes to process the personal information of the employee only in accordance with the conditions of lawful processing as set out in terms of POPIA and in terms of the Company's relevant policy available to the employee on request and only to the extent that it is necessary to discharge its obligations and to perform its functions as an employer and within the framework of the employment relationship and as required by South African law.</p>	
<p>(4) The employee hereby:</p> <ul style="list-style-type: none"><li>(a) Confirms that I have read the Company's POPI policy and that I have been given the opportunity to refer any aspects that are unclear or questions that he/she might have to the Information Officer.</li><li>(b) Gives consent that their personal information may be collected, processed and stored in line with the policy and their employment contract.</li><li>(c) Acknowledges that the Company endeavors to keep my personal information up to date, and that it is my responsibility to keep the Company informed of any changes to</li></ul>	

my personal information and to provide the relevant details timeously. I understand that I have the right to check my personal information retained by the Company to ensure that it is correct, complete and current. All this information is supplied voluntarily, without undue influence from any party and not under any duress.

- (d) Accepts that I have the right to:
  - (i) Know what information is being kept and how that information is being used;
  - (ii) Access the information at any reasonable time to rectify and correct my personal information details;
  - (iii) Revoke my consent given to the Company in terms of this form at any time. This revocation must be in writing and addressed to the Information Officer. Any such action would require the Company to review the impact this may have on the employment relationship. Withdrawal of consent is not retroactive and will not affect use of my information already made.
  - (iv) Lodge a complaint to the Information Officer of Information Regulator.
- (e) Acknowledge that during the course of the performance of my services, I may gain access to and become acquainted with the personal information of certain clients, suppliers and other employees, and agree to treat their personal information as confidential and to respect their privacy and be bound by appropriate and legally binding confidentiality and non-usage obligations in relation to the personal information of third parties or employees.
- (f) Agree to not directly or indirectly, utilize, disclose or make public in any manner to any person or third party, either within the Company or externally, any personal information, unless such information is already publicly known, or the disclosure is necessary for me to perform my duties on behalf of the Company.
- (g) Agree to report any breach with regards to this policy to the Information Officer promptly and to comply with the policy and the procedures described therein.
- (h) To absolve the Company from any liability in terms of POPIA for failing to obtain my consent or to notify me of the reason for the processing of my personal information.
- (i) To the disclosure of his/her personal information by the employer to any third party, where the employer has a legal or contractual duty to disclose such personal information.
- (j) Agree to the disclosure of my personal information for any reason enabling the Company to carry out or to comply with any business obligation the Company may have or to pursue a legitimate interest of the Company in order for the Company to perform its business on a day to day basis.

**SIGNED** at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
For and on behalf of the  
**Company**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
For and on behalf of the **Employee**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

## ANNEXURE E

### SERVICE LEVEL AGREEMENT CONFIDENTIALITY CLAUSE

#### SERVICE LEVEL AGREEMENT CONFIDENTIALITY CLAUSE

- (1) “Personal Information” means any information that can be used to reveal a person’s identity. Personal information relates to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person (such as a Company), including, but not limited to information concerning:
  - (a) 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, and birth of the person;
  - (b) Information relating to the education or the medical, financial, criminal or employment history of the person;
  - (c) Any identifying number, symbol, email address, physical address, telephone number, location information, online identifier, or other particular assignment to the person;
  - (d) The biometric information of the person;
  - (e) The personal opinions, views, or preferences of the person;
  - (f) Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
  - (g) The views or opinions of another individual about the person;
  - (h) The name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.
- (2) “POPIA” shall mean the Protection of Personal Information Act 4 of 2013 as amended from time to time.
- (3) The parties acknowledge that for the purposes of this agreement that the parties may come into contact with, or have access to Personal Information and other information that may be classified, or deemed as private or confidential and for which the other party is responsible. Such Personal Information may also be deemed or considered as private and confidential as it relates to any third party who may be directly or indirectly associated with this agreement. Further, it is acknowledged and agreed by the parties that they have the necessary consent to share or disclose the Personal Information and that the information may have value.
- (4) The parties agree that they will at all times comply with POPIA’s regulations and Codes of Conduct and that it shall only collect, use and process Personal Information it comes into contact with pursuant to this agreement in a lawful manner, and only to the extent required to execute the services, or to provide the goods and to perform their respective obligations in terms of this agreement.
- (5) The parties agree that it shall put in place, and at all times maintain, appropriate physical, technological and contractual security measures to ensure the protection and confidentiality of Personal Information that it, or its employees its contractors or other authorized individuals comes into contact with pursuant to this agreement.
- (6) Unless so required by law, the parties agree that it shall not disclose any Personal Information as defined in POPIA to any third party without the prior written consent of the other party, and notwithstanding anything to the contrary contained herein, shall any party

in no manner whatsoever transfer any Personal Information out of the Republic of South Africa.