

The Bendor Village Home Owners' Association

Protection of Personal Information Policy

In terms of the Protection of Personal Information Act (Act 4 of 2013)

1. Purpose of this Policy:

- 1.1 Protecting your privacy is especially important to the Bendor Village Home Owners' Association ("**BVHOA**").
- 1.2 The BVHOA is committed to complying with the Protection of Personal Information Act (Act 4 of 2013) in relation to the processing and protection of your personal information.
- 1.3 The purpose of this policy is to:
 - 1.3.1 Describe how and why the BVHOA collects, stores, uses, shares, or otherwise processes your personal information.
 - 1.3.2 Explain your rights in relation to your personal information and how to contact the BVHOA if you have a question or complaint.
 - 1.3.3 Prevent the misuse or abuse of personal information collected.
 - 1.3.4 Protect the rights and interests of the BVHOA and you as a "Data Subject".
 - 1.3.5 Stipulate procedures in the event of breach of protocol by the BVHOA.
- 1.4 Please note that the BVHOA may update this policy from time to time, should such changes take place you will be notified accordingly. The latest version of this policy is available on the BVHOA website <https://bendorvillage.co.za> or on request by email from the BVHOA Secretary at secretary@bendorvillage.co.za, on request.

2. Definitions:

In this policy, unless the context indicates otherwise:

- 2.1 All references to the singular shall include the plural, and vice versa.
- 2.2 All references to the male gender shall include the other genders and vice versa.
- 2.3 All references to legal persona, shall include natural persons and vice versa.
- 2.4 The following words and phrases shall have the meanings ascribed thereto:
 - 2.4.1 "**the Act**" - shall mean the Protection of Personal Information Act (Act 4 of 2013).
 - 2.4.2 "**the BVHOA**" - Shall mean the Bendor Village Home Owners' Association NPC, registration number 1995/011661/08.
 - 2.4.3 "**data subject**" - shall mean the person or entity whose personal information is being collected, which is a member or resident of, or visitor to the Estate as described in the definition of "member" below.

- 2.4.4 **“the Estate”** - shall mean the physical area which makes up the properties, common and private, of the BVHOA.
- 2.4.5 **“information officer”** - shall mean the person duly appointed by the BVHOA in terms of clause 9 below.
- 2.1.6 **“member”** - shall mean any member of the BVHOA as defined in the Memorandum of Incorporation of the BVHOA and shall include for purposes of this policy also residents, tenants and visitors referred to in the same MOI, and referred to in this policy as “you”.
- 2.1.7 **“PAIA”** - shall mean the Promotion of Access to Information Act (Act 2 of 2000)
- 2.1.8 **“personal information”** - has the meaning ascribed thereto in Section 1 of the Act and is described in clause three, below.
- 2.1.9 **“personnel”** - shall mean all persons who work for or provides services to or on behalf of the BVHOA and receive or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the BVHOA, which includes, without limitation, all directors, all permanent, temporary and part-time staff as well as contractors and their workers.
- 2.1.10 **“processing”** - has the meaning ascribed thereto in Section 1 of the Act and explained in clause 5, below.
- 2.1.11 **“Regulator”** - shall mean the Information Regulator established in terms of Section 39 of the Act.
- 2.1.12 **“responsible party”** – means the BVHOA.
- 2.1.13 **“Sensitive Personal Data”** - shall include information regarding the following of a data subject:
 - 2.1.16.1 Racial and ethnic origin;
 - 2.1.16.2 Political opinions;
 - 2.1.16.3 Religious or similar beliefs;
 - 2.1.16.4 Financial Information;
 - 2.1.16.5 Mental or physical health;
 - 2.1.16.6 Family details;
 - 2.1.16.7 Criminal records or allegations of criminal conduct.

3. **The personal information we may collect:**

- 3.1 The BVHOA may collect and process the following personal information about you as a member or of the resident or occupant of a property in the Estate, if it is not the same as the member:
 - 3.1.1 Your name and contact information, including your email address, telephone number, physical address, postal address and other location information, erf number;
 - 3.1.2 Your date of birth, age, gender, race, nationality, title, and language preferences;
 - 3.1.3 Your identity number, passport number and photograph;
 - 3.1.4 Your vehicle registration number, vehicle licence and driving licence;

- 3.1.5 Your biometric information, including but not limited to, if applicable, that information obtained from your fingerprints, hands, facial recognition and/or retinal scanning;
 - 3.1.6 Your verified banking details;
 - 3.1.7 Your employment details;
 - 3.1.8 Correspondence from you of a private or confidential nature;
 - 3.1.9 The personal information listed in section C of the Association's PAIA Manual; and
 - 3.1.10 Such other personal information as is reasonably required by us to engage with you and/or provide services to you.
- 3.2 Bendor Village HOA Board of Director directors do not need to obtain the permission of members of Bendor Village to collect or hold whatever personal information is needed for the effective management of its affairs.
- 3.3 However, the BVHOA needs to inform a member if this information is being shared with a third party, not included in its personnel, to assist with effective management of the scheme.
- 3.4 In addition, the BVHOA will need to obtain permission (preferably in writing) from the member to collect and hold any information that it intends to use for any other purpose – and state what that purpose is.

4. How your personal information is collected:

The BVHOA may collect or obtain personal information about you:

- 4.1 Directly from you;
- 4.2 During the course of our interactions with you;
- 4.3 When you visit the Estate;
- 4.4 When you visit and/or interact with our website or any other social media platforms or IT services;
- 4.5 From publicly available sources; and
- 4.6 From a third party who is authorised to share that information;
- 4.7 Via a mobile or other software application developed for the Estate such as Jotform which is a secure online platform to obtain Profile Updates from residents.
- 4.8 By way of is Closed-Circuit Television ("CCTV").

5. How and why, we process your personal information:

- 5.1 The personal information the BVHOA may collect and why and how it uses the information collected, depends on its relationship with you.
- 5.2 The Act requires that personal information *"is collected for a specific, explicitly defined and lawful purpose related to a function or activity of the responsible party."*

5.3 Further, the Act provides that personal information may only be processed if:

- 5.3.1 The member, or a competent person where the data subject is a child, consents to the processing;
- 5.3.2 processing is necessary to carry out actions for the conclusion or performance of a contract to which the member is party, either directly or indirectly;
- 5.3.3 processing complies with an obligation imposed by law on the BVHOA;
- 5.3.4 processing protects a legitimate interest of the member;
- 5.3.5 processing is necessary for the proper performance of a public law duty by a the BVHOA; or
- 5.3.6 processing is necessary for pursuing the legitimate interests of the BVHOA or of a third party to whom the information is supplied.

5.4 The BVHOA collects the following information and for the following reasons:

Information Type	Reasons why we may use this information
Identification information: such as your name, photograph, passport, national identification, biometric information, gender, date of birth, vehicle registration number, vehicle license and driving license, information regarding your employer.	• To verify your identity to, <i>inter alia</i>, 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. At controlled access points where members and visitors alike must provide personal information to gain entry to the Bendor Village or to obtain a fingerprint and Facial recognition access. This may include a car registration, number, a fingerprint, and a photograph, as well as a name and telephone number.
Contact information: such as, email address; telephone number; physical address; erf number	• To contact you with information relevant to you as a resident / supplier of the Estate and/or its residents; to keep you informed about the BVHOA's 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 its legal and contractual obligations, and otherwise for our legitimate interests or those of a third party; • to send out communications about the AGM or HOA Meetings, to facilitate communications with members and tenants regarding security issues, emergencies or in an emergency such as the Covid-19 lockdown; and send out monthly newsletters via email or WhatsApp to members directly; and • to carry out the processes required to comply with its legitimate purposes, for example, to generate levy statements, invoices and send it to appropriate members, and compile financial statements, budgets and financial reports.

Information Type	Reasons why we may use this information
Contact and payment information and other information of suppliers / contractors / service providers: such as, name; email; telephone number; address, payment, and bank details	• To enable the BVHOA 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.
Contact and other 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.)	• 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 the BVHOA's legal and contractual obligations, and otherwise for our legitimate interests or those of a third party
Information obtained during your visit: such as, CCTV images; car registration information; access records and registration details.	• To allow you access to the Estate in line with the BVHOA's security policies, for the enforcement of the BVHOA's Rules, procedures and to manage and resolve any legal or commercial complaints or issues, including security practices.

5.5 The BVHOA may collect other personal information from time to time where you provide it to it, as necessary for its business requirements, or in order to comply with applicable laws.

5.6 Where it is lawful and practicable for the BVHOA to allow it, you have the right not to identify yourself when dealing with it. However, if you don't provide it with your personal information, it may impact our ability to engage with you and/or provide services to you.

5.7 Sensitive Personal Data will only be processed with the Data Subject's express consent.

6. Who we share your personal information with:

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

6.1.1 Auditors, legal and other professional advisers, and consultants of the BVHOA or other third parties who help the BVHOA deliver our services, including the BVHOA contractors and all committees of the BVHOA;

6.1.2 Information Technology and other service providers who help the BVHOA manage its affairs or otherwise manage or store the personal information;

- 6.1.3 Government and law enforcement authorities;
 - 6.1.4 Financial institutions;
 - 6.1.5 Other third parties where disclosure is required by law or otherwise required for the BVHOA to perform our obligations and provide its services; and
 - 6.1.6 To any other person with your consent to the disclosure.
- 6.2 The BVHOA takes reasonable steps to protect the confidentiality and security of your personal information when it is disclosed to a third party and seek to ensure the third-party deals with your information in accordance with its instructions, applicable privacy laws, and only for the purpose for which it is disclosed.
- 7. Policy Applicability and Framework:**
- 7.1 This Policy will be applicable to all persons defined as members or personnel in clause 2, above.
 - 7.2 All data collected by or on behalf of the BVHOA will be subject to this Policy.
 - 7.3 The BVHOA may hold your personal information in electronic or in hard copy form. The BVHOA may keep this information at our own premises, or at sites managed by our services providers.
 - 7.4 The BVHOA is committed to keeping your personal information safe.
 - 7.5 The BVHOA uses a range of physical, electronic, and procedural safeguards to do this. The BVHOA updates these safeguards from time to time in order to address new and emerging security threats. The BVHOA will also train its personnel on privacy matters as appropriate and seek to limit access to personal information to those of our personnel who need to know that information.
 - 7.6 The BVHOA implements appropriate security measures to protect your personal information that is in its possession against accidental or unlawful destruction, loss, alteration, unauthorized disclosure, unauthorized access, in accordance with applicable legislation.
 - 7.7 Where there are reasonable grounds to believe that your personal information that is in the possession of the BVHOA has been accessed or acquired by any unauthorized person or entity, the BVHOA will notify the Regulator and you, unless a public body responsible for detection, prevention or investigation of offences or the Regulator informs the BVHOA that notifying you will impede a criminal investigation.
 - 7.8 The BVHOA will only retain and store your personal information for the period for which the information is required to serve the purpose for which it was collected, or a legitimate interest or the period required to comply with applicable legal requirements, whichever is longer.
 - 7.9 In some cases, the third parties to whom the BVHOA may disclose your personal information may be located outside of South Africa (for example, in a cloud service, system or server), and may be subject to different privacy regimes.
 - 7.10 When the BVHOA discloses personal information overseas, it will take the 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 the Act.

8. Rights of Data Subjects:

- 8.1 You have the right to:
 - 8.1.1 Ask what personal information the BVHOA holds about you;
 - 8.1.2 request access to the personal information that the BVHOA holds about you;
 - 8.1.3 ask the BVHOA to update, correct or delete any out-of-date or incorrect personal information its hold about you;
 - 8.1.4 unsubscribe from any direct communications the BVHOA may send you; or
 - 8.1.5 object to the processing of your personal information.
- 8.2 If you wish to exercise any of these rights or you have any queries regarding the personal information that the BVHOA holds about you, you can contact the BVHOA at the details provided below.
- 8.3 To protect the integrity and security of the information the BVHOA holds, the BVHOA may ask that you follow a defined access procedure, which may include steps to verify your identity.
- 8.4 If you want the BVHOA to delete all personal information it has about you, it may need to terminate the agreements it has with you. The BVHOA can refuse to delete your information if it is required by law to retain it, or if it needs it to protect the rights of BVHOA, or the contractual relationship between you and the BVHOA.
- 8.5 If you have a question, concern, or complaint regarding the way in which the BVHOA handles your personal information, or if you believe that it has failed to comply with this policy or breached any applicable laws in relation to the management of that information, you can make a complaint.
- 8.6 Any question, concern or complaint should be made in writing to: Mrs Henriette de Beer, The Secretary, at secretary@bendorvillage.co.za
- 8.7 If you wish to make a request to access your personal information in terms of Section 23 of the Act, please make a request as set out in clause 8.6, or follow the procedure set out in the Promotion of Access to Information Act.

9. The Information Officer:

- 9.1 The BVHOA will proceed to appoint a responsible person from time to time to act as the BVHOA's Information Officer. This appointment will be reviewed annually as well as the need for the appointment and or replacement of a Deputy Information Officer as stipulated by the Act.
- 9.2 The Information Officer shall have the following responsibilities:
 - 9.2.1 Ensuring the BVHOA's compliance with the Act.
 - 9.2.2 Reviewing this policy periodically.
 - 9.2.3 Ensuring that personal information processed is kept secure and confidential, save as where disclosure is required.
 - 9.2.4 Assisting with requests made to the BVHOA regarding personal information.
 - 9.2.5 Assisting the Regulator in the investigation of complaints relating to possible breaches of this Policy.

9.2.6 Ensuring all personal information is properly destroyed when required.

9.2.7 Any and all further acts as may be prescribed by the Act.

10. Security of Data:

10.1 All personnel are responsible for ensuring that any personal information which they hold is kept securely and that they are not disclosed to any unauthorised third party.

10.2 All personal information must be accessible only to those who need to use it. Personal information should always be kept:

10.2.1 in a lockable, access controlled room, in lockable drawers and filing cabinets.

10.2.2 If the personal information is computerized it should be stored on network server with adequate security systems which are only accessible by authorised persons.

10.3 Great care must be taken to ensure that personal information is not accidentally disclosed when it is being processed.

10.4 Great care must be taken to ensure that when the storage of personal information is terminated, it is done in a manner which properly disposes of this information so that no accidental disclosure thereof can take place.

10.5 Personal information must only be kept as long as is required by the various legislative provisions. The following guidelines will apply:

10.5.1 personal information relating to members will be kept 5 (five) years after the member ceases to be a member.

10.5.2 personal information contained in the BVHOA's books of account shall be retained for a period of 6 (six) years.

10.5.3 personal information relating to Visitors will be retained for a period of 3 (three) years.

10.5.4 Personal information relating to personnel will be kept for a period of 5 (five) years after the person's relationship or employment with the BVHOA has been terminated.