

**PRIVACY POLICY**  
**OF**  
**EMOYENI RIDGE BODY CORPORATE**

*(Hereinafter referred to as “the Policy”)*

## 1. INTRODUCTION

- 1.1 The right to privacy is a basic human right entrenched in the South African Constitution. The importance of the right to privacy is further entrenched with the enactment of the Protection of Personal Information Act 4 of 2013 ("POPIA").
- 1.2 POPIA is a comprehensive set of data protection legislation enacted in South Africa. POPIA aims to give effect to the constitutional right to privacy, whilst balancing this against competing rights and interests. POPIA further seeks to regulate every step of the processing of personal information from how personal information must be handled when it is collected until the time it is destroyed.
- 1.3 Given the importance of privacy, the Emoyeni Ridge Body Corporate is fully committed to protecting your privacy to ensure that your personal information is collected and processed properly, lawfully, and transparently.

## 1 DEFINITIONS

### 2.1 Biometrics

Means a technique of personal identification that is based on physical, physiological, or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning, and voice recognition.

### 2.2 Child

A natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him- or herself.

### 2.3 Community Scheme

Means living arrangements where there is shared use of and responsibility for land/buildings such as sectional title, homeowners' associations, retirement housing schemes, share block companies, and housing co-operatives.

### 2.5 Competent person

Any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child.

### 2.6 Consent

Any voluntary, specific, and informed expression of will in terms of which permission is given for the processing of personal information.

### 2.7 Data Subject

This refers to the natural or juristic person to whom personal information relates, such as an individual client, customer or a company that supplies the organisation with products or other goods.

### 2.8 De-Identify

This means to delete any information that identifies a data subject, or which can be used by a reasonably foreseeable method to identify, or when linked to other information, that identifies the Data Subject.

## **2.9 Direct marketing**

To approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of –

- a) promoting or offering to supply, in the ordinary course of business, any goods or services to the Data Subject; or
- b) requesting the Data Subject to make a donation of any kind for any reason.

## **2.10 Electronic communication**

Any text, voice, sound, or image message sent over an electronic communications network which is stored in the network or in the recipient's terminal equipment until it is collected by the recipient

## **2.11 Information Officer**

The Information Officer is responsible for ensuring the organisation's compliance with POPIA. Once appointed, the Information Officer must be registered with the South African Information Regulator established under POPIA prior to performing his or her duties. Deputy Information Officers can also be appointed to assist the Information Officer.

## **2.12 Operator**

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.

## **2.13 Personal Information**

Information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to

- a) information relating to the 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, e-mail 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; and
- 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

## **2.14 Processing**

Any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:

- a) Collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use
- b) dissemination by means of transmission, distribution or making available in any

- other form
- c) merging, linking, as well as restriction, degradation, erasure, or destruction of information

#### **2.15 Responsible Party**

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.

#### **2.16 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

#### **2.17 STSMA**

Sectional Titles Schemes Management Act 8 of 2011.

## **2 PURPOSE OF THE POLICY**

2.1 The Policy is intended to protect the personal information and special personal information of owners, tenants, employees, visitors, contractors, and other relevant parties that is being processed by the Community Schemes for the purpose of carrying on its objectives as defined in the STSMA and/or its Constitution and/or Memorandum of Incorporation and/or founding documents and further ensures that this information is used for legitimate reasons and purpose.

## **3 SCOPE OF THE POLICY**

3.1 The Policy applies to all employees, directors, trustees, sub-contractors, agents, and appointees.

3.2 The provisions of the Policy are applicable to both on and off-site processing of personal information.

## **4 CONTACT DETAILS**

#### **4.1 General information:**

<b>Name of Body:</b>	Emoyeni Ridge Body Corporate
<b>Sectional Title Scheme number:</b>	SS299/2019

**Registration number:** Reg No: 2017/016175/07  
**Registered address:** 1 st Floor Surface Paradise Building  
Scott Street  
Scottburgh  
4180  
**Physical address:** 1 Blamey Close  
Clansthal  
4170

#### 4.2 Information Regulator South Africa:

**Physical Address:** JD House,  
27 Stiemens Street  
Braamfontein  
Johannesburg  
2001  
P.O Box 31533  
Braamfontein  
Johannesburg  
2017  
**Telephone number:** 010 023 5200  
**Email Address:** [enquiries@infoeregulator.org.za](mailto:enquiries@infoeregulator.org.za)  
**Website:** [www.justice.gov.za/infoereg/index.html](http://www.justice.gov.za/infoereg/index.html)

#### 4.3 The Information officer appointed to Emoyeni Ridge Body Corporate is:

**Name:** Suzette Neuhoff  
**Contact details:** Unit 9, Emoyeni Ridge  
Blamey Close  
Clansthal  
4170  
**Telephone number:** +27 87 150 1315

## 5 HOW IS THE PERSONAL INFORMATION COLLECTED

### 5.1 Personal information may be collected in the following ways:

- a) directly from the data subject or its agents
- b) during the data subject's interaction with the Community Schemes
- c) when data subjects visit the Community Scheme
- d) when a data subject interacts with the Community Scheme on a virtual platform (i.e., website, social media, and or IT services)
- e) from public records
- f) from third parties who are authorised to share personal information
- g) from mobile or software apps developed by the Community Schemes for legitimate purposes.

## **6 WHAT PERSONAL INFORMATION IS COLLECTED**

- a) Names, contact information, including email addresses, telephone numbers, physical address, postal address, and other location information including unit number or erven number.
- b) Birth date, age, gender, race, nationality, title, and language preferences.
- c) Identity number, passport number and photograph.
- d) Vehicle registration number, vehicle licence and driving license.
- e) Biometric information, including but not limited to, if applicable, information obtained from fingerprints, video, film, facial recognition and/or retinal scanning.
- f) Verified banking details.
- g) Employment details.
- h) Correspondence of a private or confidential nature.
- i) Personal information as defined above.
- j) Any other personal information which is reasonably required to engage and provide services to the Data Subject effectively.

## **7 CIRCUMSTANCES WHEN PERSONAL INFORMATION IS SHARED**

7.1 Personal information may be processed in the following circumstances:

- k) When consent has been obtained from the data subject
- l) When there is a legitimate and lawful reason
- m) When processing is necessary for the safety and security of the members of the Community Scheme
- n) When it is required in terms of law to ensure the proper functioning of the Community Scheme

7.2 We may collect other personal information from time to time where you provide it to us, as necessary for our business requirements, or in order to comply with applicable laws.

7.3 Depending on the above circumstances, Emoyeni Ridge Body Corporate may disclose personal information to the following categories of responsible parties:

- a) Auditors, legal and other professional advisors, and consultants of the Community Scheme or third parties assisting the Community Scheme in service delivery including but not limited to, Managing Agents and Administrators.
- b) Information Technology and other service providers who assist in the effective running and management of the Community Scheme.
- c) Service providers who assist in the storing of personal information.
- d) Government and law enforcement authorities.
- e) Financial institutions.
- f) Other third parties where disclosure is required by law or otherwise required for Community Schemes to perform their obligations and provide services in accordance with the STSMA or its memorandum of Incorporation, Constitution and/or founding documents.
- g) To any other person with the consent of the data subject.
- h) Members of the Community Scheme in terms of Prescribed Management Rule 27 and/or any other Rule or right in terms of the founding documents.

## **8 INFORMATION SECURITY**

8.1 Emoyeni Ridge Body Corporate will take every reasonable precaution to protect personal information (including information about your activities) from theft, unauthorised access and disruption of services.

8.2 Emoyeni Ridge Body corporate will implement appropriate levels of data security, confidentiality, integrity, and availability in accordance with general accepted practices and standards.

8.3 When Emoyeni Ridge Body Corporate contract with third parties, it will impose appropriate security, privacy, and confidentiality obligations on them to ensure that personal information that it remains responsible for, is kept secure.

8.4 Emoyeni Ridge Body Corporate will ensure that anyone to whom it passes personal information on agrees to treat information with the same level of protection as we are obliged to.

## **9 DURATION FOR WHICH PERSONAL INFORMATION WILL BE KEPT**

9.1 Emoyeni Ridge Body Corporate will only retain your personal information for a period necessary to achieve the intended purpose unless –

- a) Retention is required or authorised by law.
- b) Retention is required by the Emoyeni Ridge Body Corporate for lawful purposes related to its function or activities.
- c) Retention is required by a contract between the parties.
- d) You have consented to the retention of the record.
- e) Retention is required for historical, statistical and research purposes.

9.2 Emoyeni Ridge Body Corporate will ensure in the aforementioned scenarios that appropriate safeguards against the records being used for any other are purpose are in place.

## **10 DELETION OR DESTRUCTION OF PERSONAL INFORMATION**

10.1 Emoyeni Ridge Body Corporate will ensure that personal information is deleted, destroyed and de-identified as soon as reasonably practicable after it is no longer authorised to retain the personal information.

10.2 The Emoyeni Ridge Body Corporate will ensure that the destruction or deletion of the personal information is done in a manner that prevents its reconstruction in an intelligible form.

## **11 NOTIFICATION OF SECURITY BREACHES**

11.1 Every attempt has been made to ensure that your personal information is safe and secure. In the event of a data or security breach which affects you, we are under a legal obligation to notify you as well as any impacted entity of this breach together with the measures we will be taking to mitigate any losses or damages.

11.2 Depending on the nature and severity of the breach, we will use the following communication channels to notify you of the breach:

- a) Telephone call.
- b) Email.

- c) SMS.
- d) Media release.

11.3 Notification of breach (1<sup>st</sup> notification) will be issued within 24 hours of detection of the breach.

## 12 INFORMATION QUALITY

12.1 Emoyeni Ridge Body Corporate takes all reasonable steps to ensure that your personal information is complete, accurate, not misleading and updated where necessary. Please make sure that we always have your latest contact details.

## 13 RIGHTS OF DATA SUBJECTS

### 13.1 The rights to access personal information:

13.1.1 Emoyeni Ridge Body Corporate recognises that you have a right to establish whether it holds personal information related to you including the right to request access to that personal information.

13.1.2 If a Data Subject wish to request access to his/her personal information, the Data Subject must submit a request to the Information Officer of Emoyeni Ridge Body Corporate by completing **Annexure A**, the "*Personal Information Request Form*".

### 13.2 The Right to Object to the Processing of Personal Information

13.2.1 The Data Subjects has a right, on reasonable grounds, to object to the processing of his/her personal information.

13.2.2 If a Data Subject wishes to object to processing of personal information, the Data Subject must submit a request to the Information Officer by completing **Annexure B**.

13.2.3 In such circumstances, the Information Officer will give due consideration to the request and the requirements of POPIA. The Emoyeni Ridge Body Corporate may cease to use or disclose your personal information and may, subject to any statutory and contractual record keeping requirements, also approve the destruction of your personal information.

### 13.3 The Right to have Personal Information Corrected or Deleted

13.3.1 A Data Subject has the right to request, where necessary, that his/her personal information must be corrected or deleted where the Emoyeni Ridge Body Corporate is no longer authorised to retain the personal information.

13.3.2 If a Data Subject wishes to request a correction or deletion of his/her personal information or the destruction or deletion of a record of your personal information, the Data Subject must submit a request to the Information Officer or Deputy Information Officer by completing **Annexure C**.

### 13.4 The Right to change your marketing preferences.

13.4.1 Each data subject has the right to:



- a) Request what personal information is being held;
- b) Request access to the personal information being held;
- c) Request personal information to be updated, corrected, and deleted in the event of outdated personal information;
- d) Request to be unsubscribed from any direct marketing communications and;
- e) Object to the processing of their personal information.

## 14 REQUEST ACCESS TO PERSONAL INFORMATION PROCEDURE

- 14.1 A Data Subject may ask Emoyeni Ridge Body Corporate to access, change or remove his/her personal information from our records. Where legislation allows, Emoyeni Ridge may charge an administrative fee, but Emoyeni Ridge Body Corporate will always inform Data Subjects of any cost before performing a request.
- 14.2 Any of the aforementioned requests, can be made via email, on the applicable form mentioned above. The email must be addressed to the Information Officer of Emoyeni Ridge Body Corporate
- 14.3 Contact details for the relevant Information Officer can be obtained directly from the Emoyeni Ridge Body Corporate or its Managing Agents.
- 14.4 Once the completed form has been received, the Information Officer will verify the identity of the Data Subject prior to handing over any personal information.
- 14.5 The Information Officer will endeavour to process all requests within a reasonable time.

## 15 COMPLAINTS

- 15.1 A Data Subject may submit a complaint to the Emoyeni Ridge Body Corporate to which the Data Subject complaints pertains to. A Data Subject may address the complaint via email using the requisite **Annexure D**.
- 15.2 The Data Subject's complaint must be addressed to the Information Officer which can be obtained directly from Emoyeni Ridge Body Corporate or its Managing Agent.
- 15.3 A Data Subject has the right to submit a complaint 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 the Data Subject's personal information.
- 15.4 In addition, where Emoyeni Ridge Body Corporate is unable to resolve a complaint from a Data Subject, the Data Subject also has the right to lodge a complaint with the Information Regulator. A Data Subject may do so, by submitting the completed **Annexure E** to the Information Regulator.

## 16 DUTIES OF THE INFORMATION OFFICER

16.1 The Information Officer or Deputy Information Officer is a person/s appointed by the entity to ensure compliance with the POPIA Act within Emoyeni Ridge Body Corporate.


16.2 A high-level summary of their duties are as follows:

- a) Development of internal measures to process a request for access to information.
- b) Monitoring of data security & safeguards.
- c) Implementation of POPIA requirements within the entity.
- d) Training and awareness.
- e) Responding to and action of requests from Data Subjects.
- f) Work with the Information Regulator on investigations.
- g) Reporting and notification of security breaches.
- h) Make available copies of the Promotion of Access to Information Manual to customers.

## 17 REVIEW AND APPROVAL OF THE POLICY

17.1 The Policy will be approved by means of a Board resolution of the Emoyeni Ridge Body Corporate and signed by the Chair.

17.2 The Policy will be reviewed regularly.

Name of Policy	Version No.	Reason for change	Author	Approver	Approved Signature	Effective Date
Privacy Policy	1.4	New	Information Officer	Chair: Emoyeni Ridge Body Corporate		1 November 2023

## Personal Information Request Form

**Please submit the completed form to the Information Officer:**

Name	
Contact Number	
Email address	

Please be aware that there may be a reasonable charge for providing copies of the information requested.

### A. Particulars of Data Subject

Name and Surname	
Identity Number	
Postal Address	
Contract Number	
Email address	

### B. Request

I request the Entity to:

a) Inform me whether it holds any of my personal information

b) Provide me with a record or description of my personal information

### C. Instructions


### D. Signature

Signature:

Date:

## Annexure B

### Objection to the processing of personal information in terms of section 11(3) of the Protection of Personal Information Act, 2013

#### Regulations pertaining to the Protection of Personal Information [REGULATION 2]

A. Particulars of Data Subject	
Name and Surname	
Identity Number	
Postal Address	
Contact Number	
Email address	
B. Details of Responsible Party	
Name (s) and Surname/ Registered name of the responsible party:	
Residential, postal or business address:	
Contact Number(s):	
E-mail address:	
C. Reasons for objection in terms of section 11(1) (d) to (f)	
<i>(Please provide detailed reasons for the objections)</i>	
D. Signature	
Signature:	Date:

## Annexure C

# 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

## Regulations pertaining to the Protection of Personal Information

[REGULATION 3]

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.	
<b>A. Particulars of Data Subject</b>	
Name and Surname	
Identity Number	
Postal Address	
Contact Number	
Email address	
<b>B. Details of Responsible Party</b>	
Name (s) and Surname/ Registered name of the responsible party:	
Residential, postal or business address:	
Contact Number(s):	
Fax Number/E-mail address:	
<b>C. Information to be corrected/deleted/destructed/destroyed.</b>	

**D. Reasons for correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party, AND OR  
Reasons 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**


**D. Signature**

Signature:

Date:

Internal POPIA Complaint Form

Please submit your complaint to the Information Officer:	
Name	
Contract Number	
Email address	

A. Particulars of Complainant	
Name and Surname	
Identity Number	
Postal Address	
Contract Number	
Email address	

B. Details of Complaint	

C. Desired Outcome	

D. Signature	
Signature:	Date:

## Complaint regarding interference with the Protection of Personal Information in terms of section 74 of the Protection of Personal Information Act, 2013

Regulations pertaining to the Protection of Personal Information  
[REGULATION 7]

Mark the appropriate box with an "X"	
Complaint regarding:	
Alleged interference with the protection of personal information	
<b>PART I</b> <b>ALLEGED INTERFERENCE WITH THE PROTECTION OF PERSONAL INFORMATION IN TERMS OF SECTION 74 OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013</b>	
<b>A. Particulars of Complainant</b>	
Name and Surname	
Identity Number	
Postal Address	
Contact Number	
Email address	
<b>B. Particulars of the responsible party interfering with personal information</b>	
Name (s) and Surname/ Registered name of the responsible party:	
Residential, postal or business address:	
Contact Number(s):	
E-mail address:	
<b>C. Reasons for the complaint</b> (Please provide detailed reasons for the complaint)	
<b>D. Signature</b>	
Signature:	Date