

HORIZON BAY COMPLIANCE MANUAL FOR THE IMPLEMENTATION OF THE PROTECTION OF PERSONAL INFORMATION ACT OF 2013 (POPI ACT)

CONTENT

- 1 INTRODUCTION**
- 2 UNDERTAKING TO OUR OWNERS, TENANTS, RESIDENTS & CONSTRUCTORS**
- 3 OWNERS, TENANTS, RESIDENTS & CONSTRUCTOR RIGHTS**
- 4 SECURITY SAFEGUARDS**
- 5 INFORMATION OFFICER ROLE/RESPONDIBILITIES**
- 6 SECURITY CAMERAS**
- 7 OFFENCES AND PENALTIES**
- 8 WEBSITE AND LINKS**

1. INTRODUCTION

The Protection of Personal Information Act (known as POPI Act) came into operation on 01 July 2020.

This Act was enacted to promote and protect an individual's right to privacy, including the safeguard against and the unlawful collection, use, disclosure and destruction of personal information.

THE MAIN PURPOSE OF THE POPI ACT, PUT SIMPLY, IS TO ENSURE TRANSPARENT PROCESSING AND PROTECTION OF PERSONAL INFORMATION.

2. UNDERTAKING TO HORIZON BAY OWNERS, TENANTS, RESIDENTS & CONSTRUCTORS

- 1. We undertake to follow the POPI Act at all relevant times and to process personal information lawfully and reasonably, not to infringe on the privacy of our clients.
- 2. We further undertake to process information for only the purpose for which it is intended.
- 3. Whenever necessary, we shall obtain consent to process personal information.
- 4. The further processing of personal information shall ONLY be undertaken:

- 4.1 Where processing is necessary because of a threat to public health or public safety or to the life or health of our owners/residents/trustees/tenants/contractors/staff and visitor's.
 - 4.2 Where this information is required by the Information Regulator appointed in terms of the POPI Act.
 - 4.3 We may only process the personal information of a child if we have the consent of the child's parent or legal guardian.
 - 4.4 Special rules apply to the collection and use of information relating to a person's religious or philosophical beliefs, their race or ethnic origin, their trade union membership, their political persuasion, their health or sex life, their biometric information, or their criminal behavior, but should it be necessary the guidance of the Information Officer, or his delegate, must be sought.
5. We undertake to retain the personal information for the minimum period and shall destroy records as soon as possible; after the period required for tenant occupancy etc.

We undertake to take special care with any owners or contractors bank account details, and we are not entitled to obtain or disclose or procure the disclosure of such banking details UNLESS we have the owners/residents/trustees/tenants/contractors/staff and visitor's written permission or specific consent.

6. Why collected; How used; How stored; When shared; When and How deleted. To achieve practical compliance with these principals of transparency the appointment of an Information Officer was necessary at Horizon Bay.

3. OWNERS, TENANTS, RESIDENTS & CONSTRUCTOR RIGHTS

1. In cases where the consent is required to process their personal information, this consent may be withdrawn.
2. You have the right to object to any processing of personal information without consent to protect legitimate interest, to comply with the law or to pursue or protect our interests.
3. You are entitled to lodge a complaint regarding our application of POPI Act with the Information Regulator.
4. A letter of consent will be required by a client when we accept a mandate of any sort, to process any personal information while we do our work for them, unless this consent has been obtained within another document signed by you.

4. SECURITY SAFEGUARDS

To secure the integrity and confidentiality of any personal information collected, and to protect it against loss, damage, or unauthorised access, we continue to implement the following security safeguards:

Please note:

Guest information is collected at the Reception Desk when NON- Residents are signing in and is stored and archived under strict supervision and protection.

Owners, Tenants, Residents & Contractors information are collected as per Security Enrolment Form (Section A) is stored and archived as per POPI Act regulations.

- 4.1 Our premises where records are kept MUST remain protected by access control.
- 4.2 Archived files (5 years) are stored behind locked doors with access control.
- 4.3 Computer user terminals on our internal network and servers ARE protected by passwords which are changed regularly.
- 4.4 Our email infrastructure complies with the standard General Data Protection Regulation (GDPR).
- 4.5 Horizon Bay uses an internationally recognised Firewall to protect data on our servers.
- 4.6 All our staff will be trained to carry out their duties in compliance with POPI Act and this training will be ongoing.
- 4.7 It is a term of the contract with every staff member to maintain full confidentiality in respect of all our owners/residents/trustees/tenants/contractors/staff and visitors affairs.
- 4.8 Employment contracts for staff will include an obligation on the staff member (1) to maintain Horizon Bay security measures and (2) to notify their Information Officer and or member of the Trustees immediately if there are reasonable grounds that personal information of an owner/trustee/resident/tenants/staff/contractors and/ or visitor has been accessed or acquired by any unauthorized person.
- 4.9 The processing of any personal information of the staff members will take place with the rules in the relevant labour legislation.

These security safeguards will be verified on a regular basis to ensure effective implementation.

Should you have any issues with the way in which we are processing your information you are entitled to lodge a complaint with the Information Regulator whose contact details are:

Complaints email: complaints.IR@justice.gov.za

General enquiries: infoeq@justice.gov.za

5. INFORMATION OFFICER ROLE/RESPONSIBILITIES

The Information Regulator (South Africa) has appointed the Horizon Bay Building Manager as the Information Officer and designated the Chairperson as the Deputy Information Officer. Certificate number 7757/2021-2022/IRRTT on 21 May 2021.

Their duties include:

- Developing, publishing, and maintaining Compliancy of Horizon Bay POPI Act manual.
- Ensure adequate measures and standards exist.
- Provide direction to Deputy Information Officer.
- Compliance Manual is developed, monitored, updated, and maintained periodically.
- Internal awareness sessions, training and periodic communications are conducted regarding provision of the POPI Act and regulations, code of conduct from Information Regulator.

- That copies of manual are provided to all persons on their request.
- Ensuring that any POPI Act induction training takes place for staff.
- Handling data subject to access requests.
- Approving of any unusual or controversial disclosures of personal data.
- Ensuring the security safeguards are in line with the POPI Act for personal information.
- Controlling any requests from owners/residents/tenants/agents/trustees/staff/contractors/agents and or visitors for any personal information. In circumstances we will be obliged to refuse. IF any information disclosed it will be with written request of the person and written consent from the Information Officer.
- The NVR (Network Video Recorder) device password will be amended once a month.
- Approval of contracts with operators as defined by the POPI Act.
- Liaison with the Information Regulator with regards to any circumstances requiring prior authorization. Criminal behavior / credit reporting / personal information of children / account numbers for any intention other than what is required by Horizon Bay.

6. SECURITY CAMERAS

Any aspects to be considered by the Chairperson and Trustees of Horizon Bay, include access control and/or CCTV surveillance cameras, at all entrances to the block and relevant positions; must be for sole purpose to ensure safety and security.

WHY this information is collected, WHERE it is stored; for HOW LONG it is stored and WHEN it is destroyed is **ONLY** available on request from Horizon Bay Information Officer and /or Deputy Information Officer. *These measures ARE POPI Act compliant.*

This includes notifying owners that cameras exist and where they are located. The Horizon Bay POPI Act policy certifies that the Information Officer and or his deputy are solely responsible for the control of any images captured.

These images are in use for the purpose of Crime Prevention ONLY.

7. OFFENCES AND PENALTIES

POPI ACT provides for serious penalties for any contravention of its terms.

Breaches of Horizon Bay Compliance Manual will also be viewed as a serious disciplinary offence.

Information Officer of Horizon Bay to control compliancy, strictly with the terms of this Compliance Manual and protection of the owners/tenants/residents/contractors/staff and visitor's personal information in the same way as if it were our own.

8. WEBSITE AND LINKS.

FOR ANY FURTHER INFORMATION PLEASE CONSULT THE FULL AND COMPLETE POPI ACT as per website www.gov.za.

Links provided on website:

Protection of Personal Information Act of 2013 (South Africa)

Protection of Personal Information Act 4 of 2103

Promotion of Access to Information Act 2 of 2000

Consumer Protection Act 68 of 2008

Electronic Communications and Transactions Act 25 of 2002
