



POPI POLICY MANUAL
MACPROPS

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Appointed Information Officer/s

Information Officer:

Name	Yolinda Botha
Designation in Agency	Principal
Email	info@macadamiaprops.co.za
Cell	082 337 6309
ID	720205 0237 085
Agency	MacProps
Tel	082 337 6309
Address	2 Knottrox Avenue, BENDOR, Polokwane, 0699
Registration confirmation with Registrar	Place link here once you have registered

Dual Information Officers: none

Privacy Notice

We intend to protect the privacy of all persons whose personal information we collect, in terms of the POPI Act. We explain who we collect personal information from, why we require this information, how we collect it, how we store it, and how we protect and comply with the needs of our subject data.

Protection of Personal Information Act (POPI)

- The Protection of Personal Information Act 4 of 2013 aims:
- to promote the protection of personal information processed by public and private bodies;
- to introduce certain conditions to establish minimum requirements for the processing of personal information;
- to provide for the establishment of an Information Regulator to exercise certain powers and to perform certain duties and functions in terms of this Act and the Promotion of Access to Information Act, 2000;
- to provide for the issuing of codes of conduct;
- to provide for the rights of persons regarding unsolicited electronic communications and automated decision making;
- to regulate the flow of personal information across the borders of the Republic; and
- to provide for matters connected therewith.

All employees are to make themselves acquainted with the POPI Act which will be discussed in regular training sessions.

Abbreviations:

“Data subject” The person to whom the personal information relates.

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

“de-identify” means, in relation to personal information of a data subject, to delete any information that:

- Identifies the data subject;
- Can be used or manipulated by a reasonably foreseeable method to identify the data subject; or
- Can be linked by reasonably foreseeable method to other information that identifies the data subject, and
- “de-identified” has a corresponding meaning

“Direct marketing” means to approach a data subject either in person or by mail or electronic communication, for the direct or indirect purpose of:

- Promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject, or
- Requesting the data subject to make a donation of any kind for any reason.

“electronic communication” means any text, voice, sound or image message sent over an electronic communications network which is stored in the network or in the recipients terminal equipment until it is collected by the recipient.

“operator” means a person who processes personal information for the responsible party in terms of a contract or mandate, without coming under the direct authority of that party.

“person” means a natural or juristic person

“personal information” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable existing juristic person, including but not limited to:

- 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.
- Information relating to the education or the medical, financial, criminal or employment history of the person.
- Any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or another particular assignment to the person.
- The personal opinions, views or preferences of the person
- 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.
- The views or opinions of another individual about the person, and
- 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.
- **“private body”** means:
 - A natural person who carries or has carried on any trade, business or profession, but only in such capacity
 - A partnership which carries or has carried on any trade, business or profession; or
 - Any former or existing juristic person, but excludes a public body.
- **“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, organisation, collation, storage, updating or modification, retrieval or use;
 - Compiling using transmission, distribution or making available in any other form, or
 - Merging, linking as well as restriction, degradation,

Information Officer/s

Appoint an Information Officer and deputy information officers where required. The Information Officer must register with the Information Regulator.

To register: Online registration click [here](#). Should online registration not be operational, register using [this](#) link. Once done, send the link to: registration.IR@justice.gov.za and save a copy of your registration link onto this document.

Download a copy for safekeeping and store the link in the table above.

Information Officers are to comply with the prescribed responsibilities:

- Encouraging and ensuring the business compliance with POPIA
- Dealing with information access requests according to POPIA and
- Working with the Information Regulator about investigations conducted in terms of POPIA.
- Develop a compliance framework, implement it, monitor and review regularly.
- Develop a measuring standard for lawful processing of personal information and the issuing of personal information.
- Develop a PAIA policy and make it available as prescribed in sections 14 and 51 of the Act.
- Develop regular training sessions.

Personal Information

Assess and evaluate current records of the personal information and list these. Be clear on how they are stored and whom within the business has access, ensuring that appropriate security safeguards are in place.

Audit current process used to process personal information (collect/record/store and disseminate data).

Dealing with the information in possession

1. **Verify the quality of the information** ensuring it is accurate and current.
2. **Further processing** – is the information compatible with the purpose for which it was collected.
3. **Delete unauthorized information** which applies to information that is no longer necessary for the purpose it initially served, or the owner has withdrawn their consent. **Monitor and manage your retention of records and disposal thereof**
4. **Ensure appropriate security safeguards are in place.**

Obtaining and processing information

1. **Define the purpose of the information processing.**
2. **Notify the data subject** what information is required, why, whether it is voluntary or mandatory, is it being transferred to a third party or foreign country and is it collected directly from the source.
3. **Determine the legal basis for the processing of personal information.** Is the personal information necessary to carry out an action?

We only collect the minimum amount of information that is relevant to the purpose. Where the subject data interacts with us on the internet, the personal information we collect depends on whether the subject data visits our website or requires our services. A visit to our website results in us viewing the browsing times, the data transmitted and IP address. Personal information is required to fulfil the service.

Verify the quality of the information

Personal information required to complete a contract:

Name, surname, and maiden name

Identification Number/s

Married/single status.

E-mail address

Physical / postal address / erf number / complex details

Telephone number/s

Financial & banking details (for bond qualification - buyers and bond cancellations -sellers and rentals)

To maintain and improve our services, your personal information may need to be shared with or disclosed to our service providers:

colleague's or other estate agencies,

attorneys,

bond consultants,

compliance inspectors,

homeowner associations or their managing agents,

trustees,

in some cases, public or legal authorities.

Requests for access, correction and deletion

Create an easy process for the receipt of data subject access requests. Ensure you have the identity of all third parties with access to the information. This subject data must be able to correct, withdraw consent or object to the collection of his/her data.

1. **Action the request.** Who in your business will take on this role and ensure that the data subjects instruction is adhered to.
2. **Inform the relevant parties.** Subject data must be informed of the action taken.

Direct Marketing

1. **Classify the data subject.** Determine if they have given their consent for the processing of their information or if they are already a customer of your business.
2. **Obtain consent in the prescribed manner and form.** **Keep** records of consent.
3. **Comply with specific processing requirements.** Ensure that the customer information has been obtained

4. In the context of the sale of a product or a service;
For direct marketing of your own products or services.

Cross-border transfers

Comply with additional requirements. Determine whether you are entitled to transfer personal information to a third party in a foreign country and that the data subject consented to the transfer of personal information to a third party in a foreign country; that the transfer of information is necessary.

Minors

We are unlikely to process any personal information of children except where adults put a property in a minors name. This would be done with the parent or legal guardian's consent.

Enforcement of the POPI Act

A person contravenes the provisions of POPIA if he/she:

- Hinders, obstructs, or unlawfully influences the Information Regulator.
- fails to comply with an information or enforcement notice.
- gives false evidence before the Information Regulator on any matter after having been sworn in or having made an affirmation.
- contravenes the conditions.
- knowingly or recklessly, without the consent of the responsible party, obtains, discloses, or procures the disclosure, sell, or offers to sell details of a data subject to another person; and will be guilty of an offence.

Penalties POPI Act.

Could result in far-reaching sanctions, these include the imposition of fines up to R10 million, imprisonment for a period of 12 months to 10 years and/or damages claim by the data subject.

The Information Regulator

All parties have the right to lodge a complaint with the SA Information Regulator.

The Information Regulator (South Africa)

PO Box 31533

Braamfontein

27 Stiemens Street

Braamfontein

2017

The Information Regulator (South Africa)

complaints.IR@justice.gov.za

Storage of personal information

At our agency, we ensure that all personal information is stored in dropbox. Access to this information is controlled by the Information Officer who will issue a password to any staff member who is in the line of business needs access to this information. All staff members sign a document agreeing to abide by the regulations within the POPI Act.

In-house training

Initial training of all staff members has taken place on **date**, their signature hereto confirms:

Name:	Insert name
By my signature hereto, I agree that I understand the POPI Act and agree to abide by its rules and our Agencies regulations contained in this policy document.	
Signature:	

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Annexures:

- Annexure "A"** Consent to use personal information to produce contracts in the real estate environment by POPIA
- Annexure "B"** Employee and Independent Contractor POPI Compliance
- Annexure "C"** Consent to receive direct marketing material
- Annexure "D"** Contract clauses
- Annexure "E"** Client POPI awareness notice

Ends