

**MANUAL PREPARED IN ACCORDANCE WITH**

**THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (“POPIA”)**

**FOR**

**Intersect Sectional Title Services Pty Ltd**

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## 1. Introduction

Organisation:	Intersect Sectional Title Services Pty Ltd
Address of Organisation:	Tannery Park 2nd Floor North Block 23 Belmont Road Rondebosch 7700
Registration Number:	1971 / 010380 / 07
Information officer:	Inger Allen

## 2. Definitions

In this manual the following words, unless the context otherwise requires, have the meanings hereinafter assigned to them:

- (a) “**client(s)**” means a person that pays the Organisation for their Services rendered;
- (b) “**consent**” means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;
- (c) “**data subject**” means any party to whom Personal Information relates;
- (d) “**employee(s)**” means a person employed by the Organisation;
- (e) “**Information Officer**” means the party responsible for ensuring that the Organisation complies with the conditions of POPIA;
- (f) “**Information Regulator**” means the new regulator created by POPIA. The Information Regulator has been created to investigate and fine responsible parties for infringements of personal information;
- (g) “**Organisation**” means Intersect Sectional Title Services Pty Ltd;
- (h) “**PAIA**” means the Promotion of Access to Information Act 2 of 2000;
- (i) “**person**” means a natural or juristic person;
- (j) “**Personal Information**” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person and includes but is not limited to:

- (i) banking information;
- (ii) email addresses;
- (ii) biometric information
- (iv) registered names;
- (v) identity information;
- (vi) marital statuses;
- (vii) nationalities;
- (viii) registered names;
- (ix) service address;
- (x) contact numbers;
- (xi) insurance information; and
- (xii) accounting records, including Audited Financial Statements.

(k) “**POPIA**” means the Protection of Personal Information Act 4 of 2013;

(l) “**processing**” means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including:

- (i) the collection, receipt, recording, Organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- (ii) dissemination by means of transmission, distribution or making available in any other form, or
- (iii) merging, linking, as well as restriction, degradation, erasure or destruction of information.

(m) “**purge**” means to clear away or wipe out legally;

(n) “**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;

(o) “**record**” means any recorded information:

- (i) regardless of form or medium, including any of the following:
  - (aa) writing on any material, and

(bb) Information produced, recorded or stored by means of any computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;

(ii) in the possession or under the control of a responsible party;

(iii) whether or not it was created by a responsible party, and

(iv) regardless of when it came into existence.

(p) “**Services**” means the provision of management services by the Organisation to its clients which include property advice, secretarial services, facilities management, record keeping services, levy collection, property accounting, payroll services and property administration.

### **3. Purpose of this Manual**

The purpose of this Manual is to assist the Organisation to be compliant and to align itself with the purpose and intent of POPIA.

### **4. Compliance with Law**

This manual complies with POPIA, PAIA, as well as with good corporate governance practice, and ensures that the personal information collected is adequate and reasonable.

### **5. Applicability**

POPIA was enacted to promote and protect an individual’s right to privacy, including the protection against the unlawful collection, use, disclosure and destruction of personal information. The Organisation has a duty to protect the Personal Information it processes and it has put measures in place to prevent breaches and liability in terms of POPIA. POPIA is applicable to the Organisation as it is involved in the processing of Personal Information. This includes the collection, using of, storing, sharing, maintaining and destroying of Information when providing its Services to its client. It also advises you on how you (as clients) can update or delete your personal information.

The Organisation strives to implement and maintain reasonable, commercially acceptable security procedures in order to protect it from breaches of confidentiality, unauthorised access, destruction, use, modification or disclosure.

### **6. Information Officer**

The Organisation has appointed Inger Allen as the Information Officer who is responsible for ensuring that the Organisation complies with POPIA. He has also been registered with the Information Regulator.

The information officer of the Organisation will be responsible for the following:

- (a) encourage compliance with the conditions for the lawful processing of Personal Information by the Organisation;
- (b) deal with requests made pursuant to POPIA;
- (c) work with the Information Regulator in relation to investigations conducted;
- (d) ensure compliance by the Organisation with the provisions of POPIA;
- (e) develop, implement and monitor a compliance framework as per this manual;
- (f) ensure that Personal Information impact assessments are done regularly to ensure that adequate measures and standards exist within the Organisation;
- (g) develop, monitor, maintain and make available a PAIA manual;
- (h) develop internal measures and adequate systems within the Organisation to process requests for access to information, and
- (i) ensure that internal awareness sessions are conducted with all employees of the Organisation on a regular basis.

## **7. The Information Regulator**

The Information Regulator was established on 1 December 2016 and is a new regulator created by the POPIA. The Information Regulator has extensive powers to investigate and fine responsible parties. Data subjects are able to complain to the Information Regulator who then takes action on behalf of the complainants. It regulates both POPIA and PAIA. It reports to Parliament and is the South African equivalent of the Information Commissioner in the UK.

The Information Regulator is independent and is subject only to the Constitution of the Republic of South Africa, 1996 and to the law and must be impartial and perform its functions and exercise its powers without fear, favour or prejudice.

One of the functions of the Information Regulator is to protect data subjects from harm and ensure that their Personal Information is protected by responsible parties. Similar to the Public Protector, the Information Regulator can hold responsible parties accountable for not complying with POPIA.

### **7.1 What are the responsibilities of the Information Regulator?**

The powers, duties and functions of the Regulator are to:

- (a) Provide education;

- (b) Monitor and enforce compliance;
- (c) Consult with interested parties;
- (d) Handle complaints;
- (e) Conduct research and to report to Parliament;
- (f) Issue codes of conduct for different sectors, and
- (g) Facilitate cross-border cooperation in the enforcement of privacy laws by participating in any initiative that is aimed at such cooperation.

The Information Regulator must take account of international obligations accepted by South Africa and consider any developing general international guidelines relevant to the better protection of individual privacy.

## 7.2 Complaints lodged with the Information Regulator

The Information Regulator must investigate complaints received from persons regarding any interference with the protection of their Personal Information.

Interference consists of:

- (a) Any breach of the conditions for the lawful processing of Personal Information set out in POPIA;
- (b) Non-compliance with any obligation created in terms of the POPIA; and
- (c) A breach of the provisions of a code that has been issued by the Information Regulator.

## 8. Privacy Policy

(a) How is Personal Information collected by the Organisation?

The Organisation collects Personal Information via client submissions and public records.

(b) What information is collected by the Organisation?

The information collected by the Organisation includes banking information, email addresses, biometric information, identity information, marital statuses, nationalities, registered names, service addresses, contact numbers, insurance information and accounting records.

(c) How does the Organisation use the Personal Information?

The Organisation uses the Personal Information collected to provide the Service, identify and communicate with clients, respond to client requests or inquiries and to improve the Organisation's services.

(d) How is Personal Information stored by the Organisation?

Personal Information is stored by the Organisation in physical copies or electronically. All Personal Information is held in a secure environment, to which only the Information Officer and/or his authorised representatives have access to.

(e) Who has access and how is personal information shared by the Organisation?

The Organisation provides access to their authorised employees and third parties contracted to provide the Organisation's Service on their behalf. These parties have access to Personal Information only to perform specific tasks on the Organisation's behalf. The Organisation does not use or disclose the Personal Information for any other purpose.

The Personal Information is shared in physical copies or electronically submitted by the Organisation to the parties who require access.

(f) How does the Organisation maintain the Personal Information?

The security of Personal Information is important to the Organisation and strive to implement and maintain reasonable, commercially acceptable security procedures and practices appropriate to the nature of the information stored, in order to protect it from unauthorised access, destruction, use, modification, or disclosure.

(g) How is Personal Information destroyed by the Organisation?

Personal Information regarding their clients are retained for a period of five years after they are no longer clients, whereafter, that information which is not in the public domain is destroyed by purging records from the database on which it is stored.

## **9. Conditions of POPIA that the Organisation comply with when processing Personal Information**

(a) Accountability

The Information Officer has ensured that the conditions of POPIA are complied with when the Organisation processes Personal Information.

(b) Lawfulness

The Personal Information processed by the Organisation is lawful and done so in a reasonable manner so as not to infringe the privacy of any of its clients.

(c) Minimality

Personal information is only processed and documented when adequate, relevant and not excessive.



(d) Consent

Personal information is only processed once consent is obtained from a client.

(e) Collection of Personal Information

The Organisation collects Personal Information via client submissions and public records.

(f) Purpose

Personal Information is only collected as specific and explicitly defined in this manual.

(g) Information quality

The Organisation ensures that the Personal Information collected is accurate, not misleading and updated where necessary.

(h) Openness

Where Personal Information is collected from another source, other than the client, the Organisation takes reasonable steps to ensure that the client is made aware of the collection.

(i) Information security

The Organisation has safeguarded all Personal Information against damage, loss, unauthorised access and unauthorised destruction. This includes both technical and organisational measures.

**10. Processing of special Personal Information**

The Organisation herewith undertakes to not process the following special Personal Information of its clients:

(a) the religious or philosophical beliefs, race or ethnic origin, sexual orientation or biometric information, and

(b) the criminal behaviour of any client.

**11. Amendments to this manual by the Organisation**

This Manual is effective as of the date signed below and will remain in effect except with respect to any changes to POPIA in the future, which will be in effect immediately after being enacted and signed by the President of the Republic of South Africa.

Signed at Rondebosch on this 1<sup>st</sup> day of June 2021.

Inger Allen

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**Name**

Operations Manager

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**Designation**