

Protection of Personal Information  
Act 4 of 2013  
(POPIA) Policy  
of  
Zimbali Lakes Resort Management  
Association

## Table of Contents

DEFINITIONS.....	3
1 INTRODUCTION .....	5
2 PURPOSE .....	5
3 SCOPE AND APPLICATION .....	5
4 ROLES AND RESPONSIBILITIES SUMMARY .....	5
5 RIGHTS OF DATA SUBJECTS.....	6
6 POPIA GUIDING PRINCIPLES.....	7
7 PROCESSING OF SPECIAL PERSONAL INFORMATION .....	10
8 INFORMATION OFFICERS .....	11
9 INFORMATION REGULATOR.....	11
10 REQUEST TO ACCESS PERSONAL INFORMATION PROCEDURE.....	11
11 COMPLAINTS PROCEDURE .....	12
12 FINES AND PENALTIES .....	12
13 ANNEXURE A: PERSONAL INFORMATION REQUEST FORM .....	13
14 ANNEXURE B: POPIA COMPLAINT FORM.....	14
15 ANNEXURE C: POPIA NOTICE AND CONSENT FORM .....	15
16 ANNEXURE D: SLA CONFIDENTIALITY CLAUSE .....	16
17 ANNEXURE E: EMPLOYEE CONSENT AND CONFIDENTIALITY CLAUSE .....	17

## DEFINITIONS

Biometric(s)	Means a technique of personal identification that is based on physical, physiological, or behavioral characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition.
Consent	Means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information
Data Subject	Means The natural or juristic person to whom personal information relates, which includes any member, homeowner, resident, employee, visitor or third-party service provider that supplies the responsible party with services, products or other goods.
De-identified	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.
Direct Marketing	Means to approach a data subject, either in person or by mail, telephonic or electronic communication, for the direct or indirect purpose of: <ul style="list-style-type: none"> <li>• Promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject; or</li> <li>• Requesting the data subject to make a donation of any kind for any reason.</li> </ul>
Information Officer	Means Of, or in relation to, a private body means the head of a private body as contemplated in section 1, of the PAIA.
Information Regulator	Means the South African Information Regulator established in terms of section 39 of POPIA.
Operator	Means 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. For example, a third-party service provider that has contracted with ZLRMA to shred documents containing personal information.
PAIA	Means the Promotion of Access to Information Act 2 of 2000.
Personal Information	Means any information that can be used to reveal a person's identity. Personal information relates to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person (such as a company), including, but not limited to information concerning: <ul style="list-style-type: none"> <li>• race, gender, sex, pregnancy, marital status, national or ethnic origin, colour, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language and birth of a person;</li> <li>• the address, fingerprints or blood type of the individual;</li> <li>• the personal opinions, views or preferences of the individual;</li> <li>• information relating to the education or the medical, financial, criminal or employment history of the person;</li> <li>• any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;</li> <li>• the biometric information of the person;</li> <li>• account number;</li> <li>• the personal opinions, views or preferences of the person;</li> <li>• 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;</li> <li>• the views or opinions of another individual about the person;</li> <li>• 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.</li> </ul>
POPIA	Means the Protection of Personal Information Act 4 of 2013.

Policy	Means the ZLRMA POPIA policy recorded in this document.
Processing	Means the act of processing information which includes any activity or any set of operations, whether or not by automatic means, concerning personal information and includes: <ul style="list-style-type: none"> <li>• the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;</li> <li>• dissemination by means of transmission, distribution or making available in any other form; or</li> <li>• merging, linking, as well as any restriction, degradation, erasure or destruction of information.</li> </ul>
Private Body	Means: <ul style="list-style-type: none"> <li>• a natural person who carries or has carried on any trade, business or profession, but only in such capacity;</li> <li>• a partnership which carries or has carried on any trade, business or profession; or</li> <li>• any former or existing juristic person, but excludes a public body.</li> </ul>
Public Body	Means: <ul style="list-style-type: none"> <li>• any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or</li> <li>• any other functionary or institution when: <ul style="list-style-type: none"> <li>○ exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or</li> <li>○ exercising a public power or performing a public function in terms of any legislation.</li> </ul> </li> </ul>
Record	Means any recorded information, regardless of form or medium, including: <ul style="list-style-type: none"> <li>• Writing on any material;</li> <li>• 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;</li> <li>• Label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;</li> <li>• Book, map, plan, graph or drawing;</li> <li>• 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.</li> </ul>
Re-identified	Means in relation to personal information of a data subject, to resurrect any information that has been de-identified that identifies the data subject, or can be used or manipulated by a reasonably foreseeable method to identify the data subject.
Responsible Party	Means the party, alone or in conjunction with others, that requires the personal information for a particular reason and determines the purpose of and means for processing the personal information.
SLA	Service Level Agreement.
ZLRMA	Zimbali Lakes Resort Management Association

## **1 INTRODUCTION**

- 1.1 Privacy is a fundamental human right recognised and protected in terms of section 14 of the South African Constitution. The right to privacy includes a right to protection against the unlawful collection, retention, dissemination and use of personal information.
- 1.2 POPIA promotes the protection of privacy by providing guiding principles that should be applied to the processing of personal information.
- 1.3 ZLRMA is committed to effectively managing personal information in accordance with the requirements of POPIA.
- 1.4 ZLRMA reserves the right to make changes to this Policy at any time and for any reason. ZLRMA will alert you about any changes by updating the "Last Updated" date of this Policy on the ZLRMA website.

## **2 PURPOSE**

- 2.1 The purpose of this Policy is to provide guidance on the legislative requirements for the protection of personal information and explains how ZLRMA will comply with such requirements.
- 2.2 This Policy governs how ZLRMA will process, handle, use, store, safeguard, and dispose of personal information.

## **3 SCOPE AND APPLICATION**

- 3.1 This Policy applies to all employees, trustees, visitors, members contractors, and service providers, of ZLRMA.
- 3.2 POPIA does not apply to the processing of personal information:
  - in the course of a purely personal or household activity; and
  - where the personal information has been De-identified to an extent where it cannot be Re-identified again.

## **4 ROLES AND RESPONSIBILITIES SUMMARY**

### **4.1 The Board of Trustees**

The Board of Trustees are responsible for ensuring that ZLRMA complies with the protection of personal information in terms of all applicable legislation and may delegate its responsibilities to ensure the effective implementation and compliance with this Policy.

### **4.2 Employees**

- Employees are obligated to protect the personal information of data subjects, treat personal information confidentially and to respect the privacy of data subjects.
- All employment contracts require ZLRM employees to consent to processing of their personal information as well as placing an obligation on them maintain confidentiality of Personal Information at all times.

- Non-compliance with this Policy by employees may result in disciplinary action being taken against them.
- ZLRM employees will received induction awareness training on the requirements of POPIA and this Policy.

#### 4.3 Information Officer

The Information Officer will:

- Ensure ZLRMA compliance with the provisions of POPIA.
- Oversee and facilitate the implementation of POPIA.
- Attend to information requests both internal and external.
- Encourage compliance with the conditions required for the lawful processing of personal information.
- Work with the Information Regulator in relation to any ongoing investigations.
- Ensure that he/she is aware of and kept abreast of the changes to POPIA and ensure the timeous communication of such changes to ZLRMA.
- Ensure that appropriate security safeguards to protect personal information are in place.
- Check and approve any contracts with third parties to ensure POPIA compliance.
- Ensure that all systems, services and equipment used for storing personal information meets acceptable security standards.
- Perform regular checks/audits to ensure that security hardware and software is functioning properly.

#### 4.4 Members, owners, residents, visitors

Members, owners, residents, visitors are:

- Obligated to protect the personal information they come in contact with and to treat personal information confidentially.
- Required to provide personal information if it is necessary for the performance of a contract or for performing any obligation imposed by law on ZLRMA.

### 5 RIGHTS OF DATA SUBJECTS

Data subjects shall be made aware of the following rights conferred upon them:

#### 5.1 The right to access personal information

- A data subject has the right to establish whether its personal information is being held by ZLRMA, including the right to request access to that personal information.

- Having provided adequate proof of your identity, a data subject can request access to their personal information held by ZLRMA by completing the Personal Information Request Form, attached as **Annexure A**.

## 5.2 **The right to have personal information corrected or deleted**

- The data subject has the right to request, where necessary, that their personal information be corrected or deleted where ZLRMA is no longer authorised to retain the personal information.
- The destruction or deletion of personal information will be done in a manner that prevents its reconstruction in an intelligible form.

## 5.3 **The right to object to the processing of personal information**

- The data subject has the right, on reasonable grounds, to object to the processing of their personal information.
- In such circumstances, consideration shall be given to the request and the requirements of POPIA. ZLRMA may cease to use or disclose the data subject's personal information and may, subject to any statutory and contractual record keeping requirements, also approve the destruction of the personal information.

## 5.4 **The right to object to direct marketing**

- The data subject has the right to object to the processing of their personal information for purposes of direct marketing by means of unsolicited electronic communications.
- The data subject will be provided with the right to "Opt Out" from any of ZLRMA's marketing communication.

## 5.5 **The right to complain to the information regulator**

- The data subject has the right to submit a complaint to the Information Regulator regarding an alleged infringement of a right protected under POPIA and to institute civil proceedings regarding the alleged non-compliance.
- A POPI Complaint Form is attached as **Annexure B**.

## 5.6 **The right to be informed**

- The data subject has the right to be notified that their personal information is being collected and where there are reasonable grounds to believe that their personal information has been accessed or acquired by an unauthorised person.

# 6 **POPIA GUIDING PRINCIPLES**

## 6.1 **Accountability**

- The provisions of POPIA and the guiding principles outlined in this Policy shall be complied with when processing personal information.

- Appropriate sanctions, which may include disciplinary action, shall be imposed against individuals who fail to comply with the principles and responsibilities outlined in this Policy.

## 6.1 Processing Limitation

- Personal information shall be processed, in a fair, lawful and non-excessive manner, with the informed consent of the data subject, for a specifically defined purpose, and not transferred outside of the borders of South Africa without consent of the data subject. ZLRMA may however hold information on servers managed by a third-party service provider, which may be located outside of South Africa.
- The data subject shall be informed of the reasons for collecting their personal information and provide consent prior to the processing of their personal information.
- Personal information must only be processed if it is adequate, relevant and not excessive. The data subject is allowed to withdraw their consent at any time. Personal information must be collected directly from the person to whom it relates.
- Personal information shall not, without the data subject's consent, be distributed or shared between separate legal entities, associated organisations (such as subsidiary companies) or with any individuals that are not directly involved with facilitating the purpose for which the information was originally collected.
- Where applicable, the data subject must be informed of the possibility that their personal information will be shared within ZLRMA and be provided with the reasons thereof.
- A Member/Owner/Resident/Visitor POPIA Notice and Consent Form is attached as **Annexure C**.

## 6.2 Purpose Specification

- Personal information shall be processed only for specific, explicitly defined and legitimate reasons and the data subject must be informed of these reasons prior to collecting or recording the information.
- ZLRMA collects and uses personal and non-personal information for the purposes for which it was collected or agreed, for inter alia:
  - Access control and CCTV data;
  - Residents or members database;
  - Official communication through email, whatsapp or phone calls;
  - For audit and record keeping purposes;
  - For monitoring and auditing sites usage;
  - In connection with any legal proceedings;
  - To carry out obligations arising from any contracts entered into between parties;
  - To confirm and verify, identity or to verify that persons are an authorised visitor for security purposes;
  - To respond to queries or comments;



- To comply with legal and regulatory requirements or industry codes which apply to ZLRMA.
- Records of personal information must not be retained any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed, unless:
  - retention of the record is required or authorised by law;
  - the responsible party reasonably requires the record for lawful purposes related to its functions or activities;
  - retention of the record is required by a contract between the parties thereto;
  - the data subject or a competent person where the data subject is a child has consented to the retention of the record.
- Records of employees and/or data subjects must be destroyed or deleted as soon as possible after authorisation to retain the records has ended.
- The destruction or deletion of the personal information record must be done in a manner that prevents its reconstruction.

### 6.3 Further Processing Limitation

- Personal information will not be processed for a secondary purpose unless that processing is compatible with the original purpose, and additional consent is obtained from the data subject.
- Personal information cannot be collected for a defined purpose, and subsequently used for other unrelated purposes.

### 6.4 Information quality

- Reasonably practical steps shall be taken to ensure that all personal information collected is complete, accurate and not misleading.
- Where personal information is collected or received from third parties, reasonable steps will be taken to confirm that the information is correct by verifying the accuracy of the information directly with the data subject or an independent approved source.

### 6.5 Openness

- Data subjects shall be notified that their personal information is being collected including the purpose for which it is being collected and processed.
- The data subject must be made aware of the contact details of the Information Officer to:
  - Enquire whether ZLRMA holds related personal information; or
  - Request access to related personal information; or
  - Request ZLRMA to update or correct related personal information; or
  - Make a complaint concerning the processing of personal information.

## 6.6 Security Safeguards

- The integrity and confidentiality of personal information must be secured by taking appropriate measures to prevent loss of, damage to or unauthorized destruction of personal information and unlawful access to or processing of personal information.
- Security controls shall be implemented to minimise the risk of loss, unauthorised access, disclosure, interference, modification or destruction of personal information.
- Security controls shall be continuously reviewed which will include regular testing of protocols and measures implemented to combat cyber-attacks.
- Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person, the Information Officer shall notify the Information Regulator, as well as the data subject, unless that person's identity cannot be established.
- Operators and third-party service providers will be required to enter into service level agreements (SLA) where both parties pledge their mutual commitment to POPIA and the lawful processing of personal information pursuant to the agreement. The SLA will include a signed non-disclosure of any personal information in the possession of ZLRMA.
- An SLA confidentiality clause for inclusion in ZLRMA's SLAs is attached as **Annexure D**.

## 6.7 Data Subject Participation

- A data subject after providing adequate proof of identity, may upon written request to the Information Officer to confirm, free of charge, whether or not ZLRMA holds their personal information.
- A procedure shall be established to allow data subjects to request the correction or deletion of their personal information, provided that the data subject has been correctly identified.
- Personal information of children can be processed if it is:
  - carried out with the prior consent of a competent person (a person authorised by law to give consent, e.g., parent, legal guardian etc.).
  - necessary for the establishment, exercise or defence of a right or obligation in law.
- ZLRMA do not knowingly solicit personal information from or market to children. If anyone becomes aware of any personal Information ZLRMA have collected from children contact the Information Officer.

## 7 PROCESSING OF SPECIAL PERSONAL INFORMATION

### 7.1 Personal information may not be processed, in respect of the data subject, concerning:

- the religious or philosophical beliefs;
- race or ethnic origin;
- trade union membership;
- political persuasion;

- health or sex life;;
- the criminal behaviour of a data subject to the extent that such information relates to the alleged commission by a data subject of any offence; or any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

7.2 Biometric Information must only be obtained with the prior consent of the data subject. It must be noted that race and ethnic origin also requires approval unless otherwise required by law.

7.3 The prohibition on processing personal information, does not apply if the:

- processing is carried out with the consent of a data subject;
- processing is necessary for the establishment, exercise or defence of a right or obligation in law;
- processing is necessary to comply with an obligation of international public law;
- processing is for historical, statistical or research purposes;
- information has deliberately been made public by the data subject.

## 8 INFORMATION OFFICERS

8.1 **Krishnee Pillay** has been appointed as the Information Officer for ZLRMA and is registered with the Information Regulator. The Information Officer may be contacted at [vpfinance@zimbali.co.za](mailto:vpfinance@zimbali.co.za) .

8.2 The Information Officer can be contacted using the email address provided should you require any assistance in respect of the use or content of this Policy.

## 9 INFORMATION REGULATOR

9.1 The Information Regulator is an independent body established in terms of section 39 of POPIA. It is subject only to the law and the constitution and it is accountable to the national assembly of Parliament.

9.2 The Information Regulator is, among others, empowered to monitor and enforce compliance by public and private bodies with the provisions of the PAIA and POPIA.

9.3 The contact details of the Information Regulator are as follows:

**Address:** JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

**Contact number:** 010 023 5200

**Email address:** [enquiries@info regulator.org.za](mailto:enquiries@info regulator.org.za)

## 10 REQUEST TO ACCESS PERSONAL INFORMATION PROCEDURE

10.1 Data subjects have the right to:

- Request what personal information ZLRMA holds about them and the reasons for holding such personal information;
- Request access to their personal information held by ZLRMA;
- Be informed how to keep their personal information held by ZLRMA up to date.

10.2 Access to information requests can be made by email, addressed to the Information Officer.

10.3 All requests will be processed and considered in terms of PAIA.

## **11 COMPLAINTS PROCEDURE**

11.1 Data subjects have the right to complain in instances where any of their rights under POPIA have been infringed.

11.2 The Information Officer will consider the complaint in a fair manner and in accordance with the principles outlined in POPIA.

11.3 Where the Information Officer has reason to believe that the personal information of data subjects has been accessed or acquired by an unauthorised person, the Information Officer will inform the affected data subjects and the Information Regulator of this breach.

11.4 Where the data subject is not satisfied with the Information Officer's suggested remedies, the data subject shall have the right to complain to the Information Regulator.

## **12 FINES AND PENALTIES**

12.1 It is recorded that any breach of the provisions of POPIA is punishable with imprisonment up to 10 years and/or a fine up to R10 million.

12.2 It is acknowledged that any breach of this Policy will be addressed by the Board of Trustees in accordance with the applicable disciplinary processes which may include criminal charges.



## 14 ANNEXURE B: POPIA COMPLAINT FORM

### POPIA COMPLAINT FORM

We are committed to safeguarding the privacy and confidentiality of your personal information and are bound by the Protection of Personal Information Act (POPIA).

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

Name:	
Contact no:	
Email Address:	

If we are unable to resolve your complaint to your satisfaction, you have the right to complain to the Information Regulator.

**Street Address:** JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001  
General enquiries email: [enquiries@inforegulator.co.za](mailto:enquiries@inforegulator.co.za)

**Complaint's email:**

[PAIAComplaints@inforegulator.org.za](mailto:PAIAComplaints@inforegulator.org.za) – should your PAIA request be denied or there is no response to your request for access to such records you may use this email address to lodge a complaint. You may use and complete the prescribed PAIA form which is available on the Information Regulator's website.

[POPIAComplaints@inforegulator.org.za](mailto:POPIAComplaints@inforegulator.org.za) – should you feel that your personal information has been violated, you may use this e-mail address to lodge a complaint. You may use and complete the prescribed POPIA form which is available on the Information Regulator's website.

Website: <https://inforegulator.org.za/>

#### A. Particulars of Complainant (Data Subject)

Name and Surname:	
Identity no:	
Postal Address:	
Contact Number:	
Email Address:	

#### B. Details of the Complaint


#### C. Desired Outcome


#### D. Signature

Signature:

Date:

## 15 ANNEXURE C: POPIA NOTICE AND CONSENT FORM

### MEMBER/OWNER/RESIDENT/VISITOR POPIA NOTICE AND CONSENT FORM

We understand that your personal information is important to you and that you may be apprehensive about disclosing it. Your privacy is just as important to us and we are committed to safeguarding and processing your information in a lawful manner. Please note that consent to process your personal information is a prerequisite for being affiliated with ZLRMA.

We also want to make sure that you understand how and for what purpose we process your information. If for any reason you think that your information is not processed in a correct manner, or that your information is being used for a purpose other than what it was originally intended, you may contact our Information Officer.

You may request access to the information we hold about you and if you think that we have outdated information, please request us to update or correct it.

#### Our Information Officer's contact details:

Name:	
Contact no:	
Email Address:	

#### Purpose for Processing your Information

We will use your personal and non-personal information for the purposes for which it was collected or agreed with you, for the following:

- Access control and CCTV data
- Residents or members database
- Official communication through email, whatsapp or phone calls
- For audit and record keeping purposes
- For monitoring and auditing sites usage
- In connection with any legal proceedings
- To carry out obligations arising from any contracts entered into between you and us.
- To confirm and verify your identity or to verify that you are an authorised visitor for security purposes.
- To respond to queries or comments
- To comply with legal and regulatory requirements or industry codes which apply to us.

#### Consent to Disclose and Share your Information

We may need to share your information with third parties who are affiliated with ZLRMA. Where we share your information, we will take all precautions to ensure that the third party will treat your information with the same level of protection as required by us. Your information may be hosted on servers managed by a third-party service provider, which may be located outside of South Africa.

I hereby consent to the processing of my personal information as well as to the sharing of my personal information with the necessary third parties if necessary.

Name and Surname:

Signature:

Date:

## 16 ANNEXURE D: SLA CONFIDENTIALITY CLAUSE

### SLA CONFIDENTIALITY CLAUSE

- "POPIA" shall mean the Protection of Personal Information Act 4 of 2013 as amended from time to time.
- "Personal Information" (PI) shall mean the race, gender, sex, pregnancy, marital status, national or ethnic origin, colour, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language and birth of a 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 other particular assignment to the person; the biometric information of 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 whether the information is recorded electronically or otherwise.
- The Operator undertakes to only process, collect, use and store personal information in accordance with the contract in place with ZLRMA and to comply with POPIA.
- The Operator is aware what personal information the operator is authorized to process, how they are able to access it, the purpose for their processing it, what the operator may or may not do with it and how long the processor may retain it.
- The Operator undertakes to process personal information only with ZLRMA's express written knowledge and permission, to treat all personal information as confidential and not disclose it unless required by law or authorised by ZLRMA.
- The Operator shall ensure that each of its employees, agents, and representatives is aware of the operator's requirements under POPIA and of the terms of the contract in place with ZLRMA and is committed themselves to keeping personal information confidential.
- The Operator agrees that it shall put in place, and at all times maintain, appropriate physical, technological, administrative and technical security measures to ensure the protection and confidentiality of PI that it, or its employees, its contractors or other authorised individuals comes into contact with pursuant to this agreement to prevent loss or damage, or unauthorized access, processing or destruction.
- The Operator provides ZLRMA with the right to audit the operator's security measures, assess and verify that the processing is done in accordance with POPIA and with the contract in place with ZLRMA.
- The Operator acknowledges that it does not outsource processing of personal information to third parties without ZLRMA's written permission.
- The Operator undertakes to notify ZLRMA immediately if it suspects or believes that personal information has been accessed or acquired by unauthorized persons or used in a manner inconsistent with the applicable contract or POPIA.
- The Operator acknowledges that it will be liable for any claims against ZLRMA as a result of their breach of POPIA or the contract.
- The Operator undertakes to assist ZLRMA to respond to any queries or requests for access to personal information, and/or requests for the correction, destruction or deletion of personal information.
- The Operator undertakes to return, delete, or destroy personal information, free of charge, in their possession if the contract is cancelled or terminated for whatever reason.
- Unless so required by law, the parties agree that it shall not disclose any PI as defined in POPIA to any third party without the prior written consent of the other party, and notwithstanding anything to the contrary contained herein, shall any party in no manner whatsoever transfer any PI out of the Republic of South Africa.

Signature of Authorised Personnel: \_\_\_\_\_

Date: \_\_\_\_\_



## 17 ANNEXURE E: EMPLOYEE CONSENT AND CONFIDENTIALITY CLAUSE

### POPIA EMPLOYEE CONSENT AND CONFIDENTIALITY DECLARATION

- Personal Information" (PI) shall mean the race, gender, sex, pregnancy, marital status, national or ethnic origin, colour, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language and birth of a 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 other particular assignment to the person; the biometric information of 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 whether the information is recorded electronically or otherwise.
- "POPIA" shall mean the Protection of Personal Information Act 4 of 2013 as amended from time to time.
- Zimbali Lakes Resort Management Association (ZLRMA), undertakes to process the PI of the employee only in accordance with the conditions of lawful processing as set out in terms of POPIA and in terms of ZLRMA's POPIA Policy available to the employee on request and only to the extent that it is necessary to discharge its obligations and to perform its functions as an employer and within the framework of the employment relationship and as required by South African law.
- The employee acknowledges that the collection of his/her PI is both necessary and requisite as a legal obligation, which falls within the scope of execution of the legal functions and obligations of ZLRMA. The employee therefore irrevocably and unconditionally agrees:
  - That he/she is notified of the purpose and reason for the collection and processing of his or her PI insofar as it relates to ZLRMA's discharge of its obligations and to perform its functions as an employer.
  - That he/she consents to and authorizes ZLRMA to undertake the collection, processing, and further processing of the employee's PI by ZLRMA for the purposes of securing and further facilitating the employee's employment with ZLRMA.
  - Without derogating from the generality of the aforementioned, the employee consents to the collection and processing of his/her PI pursuant to any of ZLRMA's Internet, Email and Interception policies in place insofar as PI of the employee is contained in relevant electronic communications.
  - To make available to ZLRMA all necessary PI required by ZLRMA for the purpose of securing and further facilitating the employee's employment with ZLRMA.
  - To absolve ZLRMA from any liability in terms of POPIA for failing to obtain the employee's consent or to notify the employee of the reason for the processing of any of the employee's PI.
  - To the disclosure of his/her PI by ZLRMA to any third party, where ZLRMA has a legal or contractual duty to disclose such PI.
  - The employee further agrees to the disclosure of his/her PI for any reason enabling ZLRMA to carry out or to comply with a business obligation that ZLRMA may have or to pursue a legitimate interest of ZLRMA in order for ZLRMA to perform its business on a day-to-day basis.
  - The employee agrees to the sharing of their PI with a third party wherein the third party wants to confirm employment for the purposes of granting the employee a credit product such as a loan. In such situations, the employer will inform the employee of the request to confirm employment and once the employee consents in writing then only will the specific request be confirmed.
  - That ZLRMA may post the employee's photograph on ZLRMA's social media platforms for marketing and brand purposes.
  - The employee authorizes ZLRMA to transfer his/her PI outside of the Republic of South Africa for any legitimate business purpose of ZLRMA within the international community. ZLRMA undertakes not to transfer or disclose his/her PI unless it is required for its legitimate business requirements and shall comply strictly with legislative stipulations in this regard.
- The employee acknowledges that during the course of the performance of his/her employment, he/she may gain access to and become acquainted with the personal information of certain members, residents, visitors, owners, contractors, suppliers and other employees. The employee will treat personal information as a confidential business asset and agrees to respect the privacy of clients, suppliers and other employees.
- To the extent that he/she is exposed to or insofar as PI of other employees or third parties are disclosed to him/her, the employee hereby agrees to be bound by appropriate and legally binding confidentiality and non-usage obligations in relation to the PI of third parties or employees.
- Employees may not directly or indirectly, utilise, disclose or make public in any manner to any person or third party, either within the organization or externally, any personal information, unless such information is already publicly known, or the disclosure is necessary in order for the employee or person to perform his or her duties on behalf of the employer.
- The employee acknowledges that failure to adhere to the conditions of confidentiality regarding personal information which they have become acquainted with during the course of their employment will result in disciplinary action.

I, \_\_\_\_\_ (Name and Surname), declare that I have read, understood and agree to the contents of the POPIA employee consent and confidentiality clause.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

AP