

WETRADE PROPERTY (PTY) LTD
REGISTRATION NUMBER: 2015/280458/07

COMPLIANCE MANUAL

IN TERMS OF THE
PROTECTION OF PERSONAL INFORMATION ACT,
ACT 4 OF 2013

ADMINISTRATIVE INFORMATION	
Name of Firm	WeTrade Property (Pty) Ltd Registration Number: 2015/280458/07
Principle Business:	Real Estate Agency
Offices	<ul style="list-style-type: none">• As per our virtual offices and domiciles
Name, telephone number (s) and e-mail address of the Information Officer	<ul style="list-style-type: none">• Chantelle Bester• Office Number: 087 096 0962• E-mail: chantellh@wetradeproperty.co.za• Cell phone: 078 683 3141

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1. INTRODUCTION

WeTrade Property (Pty) Ltd conducts business as real estate agents within South Africa. In the operation of our business, we may from time to time be subject to the provisions of the Protection of Personal Information Act, Act 4 of 2013 ("POPIA"). This manual is presented in line with our obligations in terms of POPIA.

The purpose of POPIA, in essence, is to protect the constitutional right to privacy, whilst acknowledging the need for business entities to access and process personal information in the performance of their functions.

This Compliance Manual ("Manual") sets out the framework for our compliance with POPIA and *inter alia* provides an outline of the type of records and personal information we hold.

It further explains how to submit a request for access to such records in terms of the Promotion of Access to Information Act 2 of 2000 ("PAIA"), or how to object to any personal information held by us, or how to request a correction of any such personal information, in terms of Sections 23 and 24 of POPIA.

2. PRIVACY NOTICE

We respect and protect the privacy of all persons (both natural and juristic) whose personal information we process, regardless of form and medium. This includes our clients / customers, employees, agents, consultants and service providers. In this Manual we explain our personal information handling practices, such as the collection, use, purpose, processing, sharing, accessing, storing, and destroying of personal information in terms of POPIA.

3. DEFINITIONS

3.1. Personal Information

Personal Information is 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—

- 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;
- 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.

3.2. 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 Company with products or other goods.

3.3. Responsible Party

The Responsible Party is the entity that is responsible for processing personal information for a particular reason and who determines the purpose of and means for processing the Personal Information. In this case, we are the Responsible Party.

3.4. Operator

An 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 instance, a third-party service provider that has been contracted by us to shred documents containing Personal Information).

3.5. Information Officer

The Information Officer is responsible for ensuring the Company's compliance with POPIA.

Where no Information Officer is appointed, the head of the Company will be responsible for performing the Information Officer's duties.

The Information Officer must be registered with the Information Regulator established under POPIA prior to performing his / her duties. Deputy Information Officers can also be appointed to assist the Information Officer.

3.6. Processing

The act of processing information includes any activity or any set of operations, whether or not by automatic means, concerning Personal Information and includes—

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

3.7. Record

Means any recorded information, regardless of form or medium, including:

- Writing on any material;
- 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;
- Label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
- Book, map, plan, graph or drawing;
- 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.

3.8. Filing System

Means any structured set of Personal Information, whether centralised, decentralised or dispersed on a functional or geographical basis, which is accessible according to specific criteria.

3.9. Unique Identifier

Means any identifier that is assigned to a Data Subject and is used by a Responsible Party for the purposes of the operations of that Responsible Party, and that uniquely identifies that Data Subject in relation to that Responsible Party.

3.10. 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.

3.11. Re-Identify

In relation to the Personal Information of a Data Subject, means 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.

3.12. Consent

Means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information.

3.13. 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.

3.14. Biometrics

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.

4. OUR INFORMATION OFFICERS

4.1. Our Information Officer is:

Chantelle Bester

Email: Chantellh@wetradeproperty.co.za

Tel No: 0786833141

4.2. Our Deputy Information Officer is

Martina van der Burg

E-mail: martina@wetradeproperty.co.za

Tel: 0737317619

4.3. The Information Officer must:

- 4.3.1. Develop the compliance framework and ensure that same is implemented in line with the eight (8) conditions for the lawful processing of Personal Information;
- 4.3.2. Conduct a Personal Information impact assessments to ensure adequate measures and standards are in place for the protection of a Data Subject's Personal Information;
- 4.3.3. Review the forms used to gather Personal Information, ensuring that the principle of minimality is applied and the inclusion of the consent clause;
- 4.3.4. Develop this Manual and monitor, maintain, and make it available as prescribed in terms of sections 14 and 51 of PAIA;
- 4.3.5. Develop internal measures together with adequate systems to process, and request information from Data Subjects or access thereto, free of charge;

- 4.3.6. Ensure internal training / awareness sessions regarding the provisions of POPIA;
- 4.3.7. Work with the Regulator in relation to any investigations conducted in accordance with the relevant provisions of POPIA.

5. PROCESSING PERSONAL INFORMATION AND PROTECTING THE RIGHTS OF OUR CLIENTS

We undertake to implement, monitor, and maintain the eight (8) conditions for the lawful processing of Personal Information and to follow POPIA when processing the Personal Information of our clients / customers, employees, agents, consultants and service providers to ensure the protection of their right to privacy.

5.1. Accountability

- The information officer must ensure compliance with the conditions and measures set out in the POPIA.
- The deputy Information officer must ensure our firm's day-to-day compliance with the POPIA.

5.2. Processing Limitation

Personal Information may only be processed in a fair and lawful manner, with the consent of the data subject and for the intention for which it was collected.

- Personal information must be obtained directly from the data subject where possible.
- The data subject must be aware and must consent to the use of his/her personal information.
- If a third party collects the personal information, the data subject must consent to this information being shared with our firm beforehand.
- Only information that is required for the specific purpose for which it is gathered may be stored.

5.3. Purpose Specific

The amount of Personal Information collected and processed will be limited to only that which is necessary and fit for the purposes for which it was collected.

- The specific purpose must be documented and adhered to.
- The data subject has the right to know what Personal Information has been collected, and for what purpose it has been collected.
- The collection of Personal Information is to be supported by legitimate reasons for the collection thereof.
- Personal Information may only be used for the specific purpose for which it was gathered and must thereafter, subject to the provisions of any other legislation or legal requirements, be destroyed, in a manner that prevents its reconstruction.

5.4. Further Processing Limitation

Personal Information may not be processed for a secondary purpose unless that processing is compatible with the original purpose.

- We shall retain personal information only for as long as we require it.
- We shall retain Personal Information for a longer period of time only in instances required by law.
- If Personal Information is retained for budget or statistical purposes, we shall ensure that the personal information cannot be used further (it will be de-personalised).
- The data subject's consent will be acquired before using existing Personal Information for any other purpose.
- The data subject will be advised regarding the use of their Personal Information as well as the period for which such information will be held.

5.5. Information Quality

The accuracy of Personal Information will be maintained while in our possession.

- Information will be obtained directly from the Data Subject where possible to ensure accuracy.
- Data Subjects will be given details of how to check and update their information or withdraw consent.

5.6. Openness

The Data Subject will be informed of the information being collected, the purpose for which such information has been collected, as well as their rights in terms of their Personal Information.

- The Data Subject will sign a consent form authorizing the collection of their Personal Information.
- The Data Subject will be informed of how the data will be used.
- The Data Subject will be advised of his / her rights to complain to the Information Regulator should misuse be suspected.
- The contact details of the Information Regulator will be made available at our offices.
- The Data Subject will be advised of his / her rights to access his / her information and to object to the processing thereof.

5.7. Security Safeguards

We shall restrict, secure, and control all Personal Information in our possession against unauthorised access, interference, modification, damage, loss, or destruction.

- We will conduct a security risk assessment from time to time to ensure compliance.

- Our staff will be trained to ensure that they are POPIA compliant.
- Unauthorized access to personal records will be strictly monitored.
- Our offices and storage premises where records are kept shall remain protected by strict access control.
- Laptops, phones and computer networks of all employees will be protected by passwords which shall be changed regularly.
- We make use of Outlook 365 which complies with industry standard security safeguards and meets the General Data Protection Regulation (GDPR), which is standard in the European Union. We also have firewalls in place.
- Personal information can only be accessed or modified by those employees with the passwords authorising them to do so.
- Employees shall make use of passwords to access data, ensuring easy detection of data breaches.
- Data subjects will be informed of any data breaches via email or in writing immediately.
- The source of the data breach will be determined, and steps will be taken to prevent the re-occurrence of such breach.
- When making use of external entities, the Information Officer shall ensure that a written contract, setting out security measures, is entered into between our firm and the external entity.
- The Information Officer shall ensure that the Information Regulator is informed of any security breach where personal information could be compromised.

5.8. Data Subject Participation

- Data Subjects may request the details of their Personal Information being held by our firm.
- The Data Subject has the right to correct the Personal Information being held.
- The Data Subject has the right to withdraw his/her consent at any time.

6. WHAT PERSONAL INFORMATION DO WE COLLECT?

We collect only that information which is necessary for the achievement of the purpose for which it was collected.

- When clients make use of our services, we shall collect the Personal Information necessary to fulfil the requirements of that service.
- The personal information collected may include but is not limited to full names and surname; age; gender and sex; race; identity number; marital status; financial history; banking details; employment history; medical history; address/ location; and contact data such as telephone / cell phone numbers and email addresses.

7. HOW WILL YOUR PERSONAL INFORMATION BE COLLECTED?

- When clients visit our website. In these instances, their browser transmits some of their data automatically, such as browsing times, the data transmitted and IP address.
- When clients provide their Personal Information to us directly, for example via email correspondence or other direct interactions, such as face-to-face consultations.
- When we monitor use and interactions through marketing correspondence sent to clients via email and / or our website.
- Third party sources.
- Publicly available sources such as newspapers, company registers, online search engines, deed registries, public posts on social media.

8. WHO MIGHT WE SHARE YOUR PERSONAL INFORMATION WITH?

To render, maintain and improve our services, your personal information may be shared with or disclosed to the following:

- Colleagues;
- Bond Consultants;
- Compliance Inspectors;
- Homeowner Associations;
- Body Corporates;
- Trustees;
- in some cases, public or legal authorities.

9. TRANSBORDER INFORMATION FLOWS

Should there be an international component to our work which requires us to share a client's Personal Information with an overseas recipient, the client is entitled to inquire about the protection measures in place to safeguard their Personal Information in the foreign country.

10. CIRCUMSTANCES REQUIRING PRIOR AUTHORISATION

Should we be required to process Personal Information under circumstances requiring authorisation from the regulator, we shall seek guidance from the Information Officer.

11. SPECIAL PERSONAL INFORMATION

While we recognise that protecting all Personal Information is important in gaining and maintaining the trust of our clients, special Personal Information is often afforded a higher level of protection.

Our firm is unlikely to process special personal information, but should it be necessary the guidance of the Information Officer will be sought.

12. THE PROCESSING OF PERSONAL INFORMATION OF CHILDREN

We will seldom be required to process the Personal Information of children. Where we are required to process the Personal Information of children (for instance in divorce matters), we shall obtain consent from the parent or legal guardian of the child. Parents or guardians will be required to sign a consent form on behalf of the child.

13. DIRECT MARKETING

13.1. To Potential Clients:

- We shall obtain consent from potential clients before marketing our services to them; and
- Consent shall be requested once only; and
- Only if consent has not been previously withheld.

13.2. To Previous / Current Clients:

- We shall only market to previous / current clients if the client has been given the opportunity to object to receiving direct marketing from us at the time that the client's personal information was collected, and they did not object then or at any other time, after receiving any direct marketing communications from us.

14. Request to Access Personal Information Procedure

14.1. A Data Subject has the right to:

- Request what Personal Information we hold about you and why;
- Request access to your Personal Information, and
- Be informed how to keep your Personal Information up to date.

14.2. Access to information requests can be made by email, addressed to the Information Officer. The Information Officer will provide the Data Subject with a "Personal Information Request Form" to be obtained from the Company's Information Office.

14.3. 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.

14.4. The Information Officer will process all requests within a reasonable time and respond to the Data Subject timeously.

15. CONTRAVENTION OF POPIA.

15.1. Contravention could result in far-reaching sanctions namely:

- Imposition of fines up to R10 million;
- Imprisonment for a period of 12 months to 10 years;
- Damages claim by the data subject.

15.2. A person *inter alia* 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, sells, or offers to sell details of a data subject to another person.

16. THE SA INFORMATION REGULATOR

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

- The Information Regulator (South Africa)

P.O. Box 31533, Braamfontein

27 Stiemens Street Braamfontein 2017

The Information Regulator (South Africa)

E-mail: complaints.IR@justice.gov.za.

17. SCHEDULE OF CLAUSES AND FORMS

- a) Form 1 - CONSENT TO PROCESS (USE) PERSONAL INFORMATION
- b) Form 2 - OBJECTION TO PROCESS (USE) PERSONAL INFORMATION
- c) Form 3 - REQUEST TO CORRECT OR DELETE PERSONAL INFORMATION
- d) Form 4a - CONSENT TO DIRECT MARKETING

- e) Form 4b - REFUSAL OF DIRECT MARKETING
- f) Form 5 - INTRODUCTORY LETTER TO CLIENT RE POPIA
- g) Form 6 - EMPLOYEE COMPLIANCE WITH POPIA
- h) Form 7 - SHOW HOUSE ATTENDANCE REGISTER