

## Protection of Personal Information Act 4 of 2013

### EXTERNAL PRIVACY POLICY

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## 2. DEFINITIONS

“**biometrics**”: means a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition;

“**child**”: means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him- or herself;

“**competent person**”: means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child;

“**data subject**”: means the person to whom personal information relates and for the purposes of MERIDIAN REALTY, this will include – sellers, buyers, landlords, tenants, external service suppliers, employees, part time employees, contractors, sub-contractors and all associates of MERIDIAN REALTY;

“**MERIDIAN REALTY**”: for purposes of this Policy document means the Real Estate business which operates as Meridian Realty (Pty) Ltd, Registration number 2013/058745/07 together with all subsidiaries;

“**direct marketing**”: means to approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of – a) Promoting or offering to supply, in the ordinary course of business of MERIDIAN REALTY, real estate service to the data subject; or b) 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 recipient’s terminal equipment until it is collected by the recipient;

“**employees**”: for purposes of this Policy means all permanent and temporary employees of MERIDIAN REALTY, all agents contracted to MERIDIAN REALTY, all subcontractors of MERIDIAN REALTY;

“**filing system**”: means any structured set of personal information which in the case of MERIDIAN REALTY consist of physical files kept in or at the offices of MERIDIAN REALTY, Cloud based archives and offsite archives;

“**GDPR**”: means The General Data Protection Regulation 2016/679 which is a EUROPEAN UNION regulation in respect of data protection and privacy in the European Union and the European Economic Area which addresses the transfer of personal data outside the EU and EEA areas and it imposes obligations onto organizations anywhere, if they target or collect data related to personal information from individuals in the EU. The regulation was put into effect on May 25, 2018.

“**Information officer**”: of MERIDIAN REALTY will mean **Bianca Louw**;

“**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;

“**person**”: means a natural person or a 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 education or the medical, financial, criminal or employment history of the person; Any identifying number, symbol, e-mail 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 would reveal the contents of the original correspondence if the message is of a personal or confidential nature; 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;

**“processing”**: means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including – a) The collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; b) Dissemination by means of transmission, distribution or making available in any other form; or c) Merging, linking, as well as restriction, degradation, erasure or destruction of information;

**“Promotion of Access to Information Act”**: means the Promotion of Access to Information Act (PAIA), 2000 (Act No. 2 of 2000);

**“public record”**: means a record that is accessible in the public domain and which is in the possession of or under the control of a public body, whether or not it was created by that public body;

**“private body”** means—

(a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;

(b) a partnership which carries or has carried on any trade, business or profession; or

(c) any former or existing juristic person, but excludes a public body;

**“record”**: means any recorded information – a) Regardless of form or medium, including any of the following: (I) Writing on any material; (II) 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; (III) Label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means; (IV) Book, map, plan, graph, or drawing; (V) 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; (VI) In the possession or under the control of a responsible party; and (VII) Regardless of when it came into existence;

**“Regulator”**: – means the Information Regulator established in terms of Section 39 of the POPIA;

**“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;

**“restriction”**: means to withhold from circulation, use or publication any personal information that forms part of a filing system, but not to delete or destroy such information;

**“special personal information”**: means personal information as referred to in Section 26 of the POPIA which includes Information relating to the race, gender, sex, pregnancy, marital status, nationality, 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;

**“this Act”**: means the Protection of Personal Information Act, No. 4 of 2013.

**“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. INTRODUCTION**

MERIDIAN REALTY is a Real Estate Agency which operates in the property market. MERIDIAN REALTY operates virtually, and property practitioners associated with MERIDIAN REALTY operate through the virtual platform supplied by MERIDIAN REALTY. MERIDIAN REALTY facilitates property transactions and deals with all the role players in the property cycle including the sellers, buyers, landlords, tenants, conveyancing attorneys, mortgage originators, online property portals, council, SARS and the Deeds Office.

It acknowledges that, in its business operations most of its communications are done electronically via the internet and that personal information is collected and processed electronically in compliance with the Electronic Communications and Transaction Act 25 of 2002.

MERIDIAN REALTY accepts that all its South African based data subjects' Constitutional Right to Privacy is important and apply due care when dealing with such data subjects in a respectful and reasonable manner.

MERIDIAN REALTY often engages with foreign property investors and in recognizing the international risk of data breaches and to ensure that lawful conditions exist surrounding its data subjects' information, MERIDIAN REALTY accept that its data subjects based in other parts of the world are entitled to equal rights to privacy in terms of Regulations applicable to such data subjects in the countries in which they are based such as contained within the GDPR to which individual data subject from the European Union. As such, MERIDIAN REALTY commits to comply with South Africa's POPIA.

MERIDIAN REALTY further commits to the education of its data subjects in respect of their rights to privacy and will make all operational amendments necessary.

### **4. OBJECTIVE**

The objective of this Policy is to ensure adherence by MERIDIAN REALTY to the provisions within POPIA together with its Regulations aimed at protecting all MERIDIAN REALTY's data subjects from harm by protecting their personal information, to stop identity fraud and generally to protect privacy. This Policy is the EXTERNAL SET OF PRIVACY RULES and sets out the standard for suitable protection of personal information as required by POPIA.

### **5. POPIA CORE PRINCIPLES**

In its quest to ensure the protection of data subjects' privacy, MERIDIAN REALTY fully commits as follows:

- 5.1. To continue developing and maintaining reasonable protective measures against the possibility of risks such as loss, unauthorised access, destruction, use, alteration, or revelation of personal information.
- 5.2. To regulate the manner in which personal information may be processed, by establishing conditions, in harmony with international standards, that prescribe the minimum threshold requirements for the lawful processing of personal information.
- 5.3. To ensure that the requirements of the POPIA legislation are upheld within the organisation. In terms of sections 8, 17 and 18 of POPIA, MERIDIAN REALTY confirms that it adheres to an approach of transparency of operational procedures that controls collection and processing of personal information and subscribes to a process of accountability and openness throughout its operations.
- 5.4. In terms of the requirements set out within sections 9, 10, 11, 12, 13, 14 and 15 of POPI, MERIDIAN REALTY undertakes to collect personal information in a legal and reasonable way, for a specific reason and only if it is necessary for operations and to process the personal information obtained from clients only for the purpose for which it was obtained in the first place.

- 5.5. Processing of personal information obtained from clients will not be undertaken in an insensitive, derogative discriminatory or wrongful way that can intrude on the privacy of the client.
- 5.6. In terms of the provisions contained within sections 23 to 25 of POPIA, all data subjects of MERIDIAN REALTY will be allowed to request access to certain personal information and may also request correction or deletion of personal information within the specifications of the POPIA.
- 5.7. To not request or process information related to race, religion, medical situation, political preference, trade union membership, sexual certitude, or criminal record unless this is lawfully required and unless the data subject has expressly consented. MERIDIAN REALTY will also not process information of juveniles.
- 5.8. In terms of the provisions contained within section 16 of POPIA, MERIDIAN REALTY is committed that data subjects' information is recorded and retained accurately.
- 5.9. To not provide any documentation to a third party or service provider without the express consent of the data subject except where it is necessary for the proper execution of the service as expected by the data subject.
- 5.10. To keep effective record of personal information and undertakes not to retain information for a period longer than specified in the property industry's Code of Conduct or any other direction issued by the Estate Agency Affairs Board or other Regulatory authorities governing the property industry.
- 5.11. In terms of sections 19 to 22 of POPIA, MERIDIAN REALTY will secure the integrity and confidentiality of personal information in its possession. MERIDIAN REALTY will provide the necessary security of data and keep it in accordance with prescribed legislation.

## **6. CONSENT**

MERIDIAN REALTY and its employees recognizes its obligations to explain the reasons for the collection of information from the particular data subject/s and to obtain the required Consents to process and where required the sharing of the information pursuant to such explanation and possibly using the information for limited marketing purposes.

When data subjects' information is collected, processed or shared for any other reason than the original reason of it being collected, in addition to MERIDIAN REALTY'S requirement to apply to the Information Regulator for Prior Approval where necessary, the specific Consent for such purpose must be obtained from the data subject.

When SPECIAL PERSONAL INFORMATION is collected, processed and stored for any reason from any of MERIDIAN REALTY' data subjects, specific Consent for such collection must first be obtained.

The prohibition against collection and processing of special personal information does not apply if: -

- 6.1. Processing is carried out with the consent of the data subject;
- 6.2. Processing is necessary for the establishment, exercise or defense of a right or obligation in law;
- 6.3. Processing is for historical, statistical or research purposes.

MERIDIAN REALTY has amended their standard operational documentation, client information and service supplier questionnaires in terms of which personal information is collected with the addition of the required CONSENT therein.

## **7. COLLECTION, PROCESSING AND SHARING OF INFORMATION**

MERIDIAN REALTY collects and processes personal information from its data subjects for a variety of reasons and in a variety of ways. The most pertinent reason for data collection and processing relates to the property transaction being facilitated by MERIDIAN REALTY and the integrated nature of operation between MERIDIAN REALTY and the other primary role players in the transaction. In addition to the facilitation of the specific property transaction in which the data subject is involved, MERIDIAN REALTY uses data subjects' contact information to distribute bulk emails from time to time containing newsletters, listings or other offerings and has inserted the required OPT OUT/UNSUBSCRIBE options onto such mails in order to allow recipients the opportunity to request a removal of their details for purposes of such emails.

Various South African laws apply to the collection and processing of information by MERIDIAN REALTY:

- In terms of the Financial Intelligence Centre Act 2001, MERIDIAN REALTY is defined as an Accountable Institution and as such, is subject to the Regulatory obligations to assess the Money Laundering and Terrorism risk in dealing with its clients. As such, the identities of all clients are to be confirmed and verified and clients' details are screened against lists published by the Financial Intelligence Centre;
- The Deeds Registry Act 1937 require full descriptions of the parties and property related to the transaction and all information lodged at the Deeds Office becomes public record. Clients' marital status, dates of birth and full names are to be verified for purposes of the property transaction;
- In terms of the National Credit Act 2005, parties in a property transaction who intend taking a bank loan to fund a portion or all of the purchase price are obliged to supply all relevant and requested financial information to a variety of role players in the transaction, including MERIDIAN REALTY.

The primary way of collection and processing of personal information is electronically. By submitting personal and special personal information details to MERIDIAN REALTY, all data subjects acknowledge the terms of this Policy.

- 7.1. Personal information collected by MERIDIAN REALTY will be collected directly from the data subject, unless –
  - 7.1.1. The information is contained or derived from a public record or has deliberately been made public by the data subject;
  - 7.1.2. Collection of the information from another source would not prejudice a legitimate interest of the data subject;
  - 7.1.3. Collection of the information from another source is necessary -
    - 7.1.3.1. To avoid prejudice to the maintenance of the law by any public body, including the prevention, detection, investigation, prosecution and punishment of offences;
    - 7.1.3.2. To comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue;
    - 7.1.3.3. For the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated;
    - 7.1.3.4. In the interest of national security;
    - 7.1.3.5. To maintain the legitimate interests of MERIDIAN REALTY or of a third party to whom the information is supplied;
    - 7.1.3.6. Where compliance would prejudice a lawful purpose of the collection;
    - 7.1.3.7. Where compliance is not reasonably practicable in the circumstances of the particular case.
  - 7.1.4. Personal information is collected for a specific, explicitly defined and lawful purpose related to a function or activity of MERIDIAN REALTY;
- 7.2. Steps will be taken to ensure that the data subject is aware of the purpose of the collection of the information.
- 7.3. MERIDIAN REALTY will take reasonably practicable steps to ensure that the personal information is complete, accurate, not misleading and updated where necessary, having regard to the purpose for which the personal information is collected and further processed.

- 7.4. Where personal information is collected from a data subject directly, MERIDIAN REALTY will take reasonably practicable steps to ensure that the data subject is aware of: -
- 7.4.1. The nature of the information being collected and where the information is not collected from the data subject, the source from which it is collected;
  - 7.4.2. The name and address of MERIDIAN REALTY;
  - 7.4.3. The purpose for which the information is being collected;
  - 7.4.4. Whether or not the supply of the information by the data subject is voluntary or mandatory;
  - 7.4.5. The consequences of failure to provide the information;
  - 7.4.6. Any particular law authorising or requiring the collection of the information.
- 7.5. Personal information will only be processed lawfully and in a reasonable manner that does not infringe the privacy of the data subject.
- 7.6. Personal information may only be processed if – a) given the purpose for which it was processed, it is adequate, relevant and not excessive; b) the data subject or a competent person where the data subject is a child consents to the processing; c) processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is a party; d) processing complies with an obligation imposed by law on MERIDIAN REALTY; e) processing protects a legitimate interest of the data subject; f) processing is necessary for the proper performance of a public law duty by a public body.
- 7.7. In the event that MERIDIAN REALTY appoints or authorises an operator to process any personal information on its behalf or for any reason, it will implement necessary agreements to ensure that the operator or anyone processing personal information on behalf of MERIDIAN REALTY or an operator, must – a) Process such information only with the knowledge or authorisation of MERIDIAN REALTY ; and b) Treat personal information which comes to his/her/its knowledge as confidential and must not disclose it, unless required by law or in the course of the proper performance of his/her/its duties.
- 7.8. MERIDIAN REALTY must maintain the documentation of all processing operations under its responsibility.
- 7.9. MERIDIAN REALTY must ensure that the further processing of personal information be compatible with the purpose for which it was collected.
- 7.10. In order to assess whether further processing is compatible with the purpose of collection, MERIDIAN REALTY will take account of – a) The relationship between the purpose of the intended further processing and the purpose for which the information was collected; b) The nature of the information concerned; c) The consequences of the intended further processing for the data subject; d) The manner in which the information has been collected; and e) Any contractual rights and obligations between the parties.
- 7.11. MERIDIAN REALTY will restrict the processing of personal information if – a) Its accuracy is contested by the data subject, for a period enabling MERIDIAN REALTY to verify the accuracy of the information; b) MERIDIAN REALTY no longer needs the personal information for achieving the purpose for which it was collected or subsequently processed, but it has to be maintained for purposes of proof; c) The processing is unlawful and the data subject opposes its destruction or deletion and requests the restriction of its use instead; or d) The data subject requests to transmit the personal data into another automated processing system.

## **8. STORAGE OF INFORMATION**

MERIDIAN REALTY acknowledges the risks facing data subjects with the storage of personal and special personal information on the MERIDIAN REALTY software systems as well as filing copies of the physical information sheets containing personal information physically in an office. To ensure that its best attempts are made to minimize data subjects from suffering loss of personal information, misuse or unauthorised alteration of information, unauthorized access or disclosure of personal information generally, it will:

- 8.1. Store personal information in databases that have built-in safeguards and firewalls to ensure the privacy and confidentiality of information.
- 8.2. Constantly monitor the latest internet developments to ensure that the systems evolve as required. MERIDIAN REALTY tests its systems regularly to ensure that security mechanisms are up to date.

- 8.3. Continue to review its internal policies and third-party agreements where necessary to ensure that these are also complying with the POPIA and Regulations in line with MERIDIAN REALTY's Policy rules.
- 8.4. 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 – a) The retention of a record is required or authorised by law; b) MERIDIAN REALTY reasonably requires a record for lawful purposes related to its functions or activities; c) Retention of a record is required by a contract between the parties thereto; or d) The data subject or a competent person where the data subject is a child has consented to the retention of a record.
- 8.5. Information collected or processed initially for the purposes of historical, statistical or research value, may be retained for a longer period providing MERIDIAN REALTY has appropriate measures in place to safeguard these records against uses other than what it was intended for initially.

## **9. DISPOSAL OF DATA SUBJECTS' INFORMATION**

MERIDIAN REALTY is responsible to ensure that necessary records and documents of their data subjects are adequately protected and maintained to ensure that records that are no longer needed or are of no value are disposed of at the proper time. These rules apply to all documents which are collected, processed or stored by MERIDIAN REALTY and include but are not limited to documents in paper and electronic format, for example, e-mail, web and text files, PDF documents etc.

- 9.1 MERIDIAN REALTY adheres to the Guidelines issued by the Estate Agency Affairs Board or other Authorities governing the property industry and retain documents containing data subjects' personal information for a minimum period of 5 years.
- 9.2 MERIDIAN REALTY does not discard or dispose of the telephone numbers and email addresses of data subjects with whom it has previously dealt but will do so on request by the data subject. Data subjects are referred to FORMS 1 & 2 hereto attached for such purpose. MERIDIAN REALTY recognizes that most of the information which it collects, processes and shares with other role players in the transaction is personal of nature and will dispose of information securely when no longer required. MERIDIAN REALTY acknowledges further that electronic devices and media can hold vast amounts of information, some of which can linger indefinitely;
- 9.3. Under no circumstances will paper documents or removable media (CD's, DVD's, discs, etc.) containing personal or confidential information be simply binned or deposited in refuse tips.
- 9.4. MERIDIAN REALTY undertakes to ensure that all electrical waste, electronic equipment and data on disk drives be physically removed and destroyed in such a way that the data will by no means be able to be virtually retrievable.
- 9.5. MERIDIAN REALTY will ensure that all paper documents that should be disposed of, be shredded locally and then be recycled.
- 9.6. If a third party is used for data destruction purposes, the Information Officer will ensure that such third party will also comply with this policy and any other applicable legislation.
- 9.7. MERIDIAN REALTY may suspend the destruction of any record or document due to pending or reasonably foreseeable litigation, audits, government investigations or similar proceedings. MERIDIAN REALTY undertakes to notify employees of applicable documents where the destruction has been suspended to which they have access to.
- 9.8. If a document and/or information is no longer required to be stored in accordance with this policy and relevant legislation, it should be deleted and destroyed.
- 9.9. The Information Officer should be consulted where there is uncertainty regarding the retention and destruction of a document and/or information.



## **10. INTERNET AND CYBER TECHNOLOGY**

The following clauses constitute a summary of the terms contained in the INTERNAL IT/EMAIL/CYBER SECURITY POLICY which applies to all employees when using the MERIDIAN REALTY's internet and email services.

MERIDIAN REALTY understands and accepts that the repercussions of the misuse of its IT systems can be severe. Potential damage includes, but is not limited to, malware infection (e.g. computer viruses), legal and financial penalties for data leakage and lost productivity resulting from network downtime.

In order to minimize the risks associated with its IT systems, MERIDIAN REALTY has developed and implemented an INTERNAL INTERNET AND CYBER TECHNOLOGY Policy which has been circulated amongst all its employees and agents and consists of rules related to:

### **10.1. Acceptable use of MERIDIAN REALTY's Internet Facilities**

The repercussions of misuse of MERIDIAN REALTY systems can be severe. Potential damage includes, but is not limited to, malware infection (e.g. computer viruses), legal and financial penalties for data leakage and lost productivity resulting from network downtime.

Every user of MERIDIAN REALTY's IT system is responsible for exercising good judgment regarding reasonable personal use.

### **10.2. IT Access Control**

MERIDIAN REALTY's rules relate to logging into the IT system and software packages, as well as password control.

### **10.3. MERIDIAN REALTY's Email Rules**

MERIDIAN REALTY acknowledges that most of its communications are conducted via email and instant messaging (IM). Given that email and IM may contain extremely sensitive and confidential MERIDIAN REALTY information, the information involved must be appropriately protected and MERIDIAN REALTY has implemented rules related to email and IM with the purpose being to ensure that information sent or received via the MERIDIAN REALTY's IT systems are appropriately protected, that the systems do not introduce undue security risks to MERIDIAN REALTY and that users are made aware of what MERIDIAN REALTY deems as acceptable and unacceptable use of its email and IM.

### **10.4. MERIDIAN REALTY's Rules related to handheld devices**

Many users do not recognize that mobile devices represent a threat to IT and data security. As a result, they often do not apply the same level of security and data protection as they would on other devices such as desktop or laptop computers. The rules related to handheld devices used by MERIDIAN REALTY employees and agents outline the requirements for safeguarding the physical and data security of mobile devices such as smartphones, tablets, and other mobile devices such as PC's and Notebooks.

### **10.5. Anti-virus rules**

MERIDIAN REALTY is responsible for creating procedures that ensure anti-virus software is run at regular intervals, and computers are verified as virus-free. Any activities with the intention to create and/or distribute malicious programs into MERIDIAN REALTY's programs (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.) are prohibited.

## 10.6. **Physical access control**

Even though MERIDIAN REALTY largely operates virtually, it is accepted that their agents will at some points in time hold in their possession some physical copies of documents containing personal information and it is also accepted that the Stellenbosch office holds many physical folders containing personal information of MERIDIAN REALTY's data subjects. The rules related to access control of these physical files serve as guidelines for all agents and employees in order to safeguard the files against unlawful and unauthorized physical intrusion, as well as fire, flood and other physical threats.

## 10.7. **Usage Data**

Usage Data is collected automatically when using the internet services of MERIDIAN REALTY. Usage Data may include information such as data subjects' device's internet protocol address (e.g. IP address), browser type, browser version, details of the pages of MERIDIAN REALTY' website that are visited by data subjects, the time and date of the website visit, the time spent on those pages, unique device identifiers and other diagnostic data. When data subjects access the website services of MERIDIAN REALTY by or through a mobile device, MERIDIAN REALTY may collect certain information automatically, including, but not limited to, the type of mobile device used by the data subject, unique ID, the IP address of the mobile device, the mobile operating system, the type of mobile Internet browser used, unique device identifiers and other diagnostic data. MERIDIAN REALTY may also collect information that the user's browser sends whenever MERIDIAN REALTY's website is visited. The website Privacy Statement is available for data subjects to peruse and users of the website are referred to the website for such purpose.

## 10.8. **Tracking Technologies and Cookies**

Cookies and similar tracking technologies are used to track the activity on MERIDIAN REALTY website and store certain information. Again, data subjects are referred to the website Privacy Statement available from the MERIDIAN REALTY website for further information regarding cookies and tracking. Tracking technologies used are beacons, tags, and scripts to collect and track information and to improve and analyze the efficiency of the website. The technologies which may be used to track may include:

10.8.1. Cookies or Browser Cookies. A cookie is a small file which may be placed on a data subject's device. Data subjects can instruct their browser to refuse all Cookies or to indicate when a Cookie is being sent. However, if this function of MERIDIAN REALTY's website is not accepted, data subjects may not be able to use some parts of the website. Unless the browser settings have been adjusted MERIDIAN REALTY's website may use Cookies.

10.8.2. Flash Cookies. Certain features of the website may use local stored objects (or Flash Cookies) to collect and store information about data subjects' preferences or activity on the website. Flash Cookies are not managed by the same browser settings as those used for Browser Cookies. For more information on how Flash Cookies can be deleted the following process can be followed: "Where can I change the settings for disabling, or deleting local shared objects?" available at <https://helpx.adobe.com/flashplayer/kb/disable-local-shared-objects>;

10.8.3. Web Beacons. Certain sections of the website and emails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) that permit MERIDIAN REALTY for example, to count users who have visited those pages or opened an email and for other related website statistics (for example, recording the popularity of a certain section and verifying system and server integrity).

10.8.4. Cookies can be "Persistent" or "Session" Cookies. Persistent Cookies remain on data subjects' personal computer or mobile device even when offline, while Session Cookies are deleted as soon as data subjects' web browsers are closed.

## **11. THIRD PARTY OPERATORS**

MERIDIAN REALTY recognizes that, in fulfilling its service offering to its client base and in order to operate efficiently, it is necessary at times to share data subjects' personal and special personal information with third parties for specific reasons related to MERIDIAN REALTY's service delivery. As referenced in clauses 5 and 6 above, MERIDIAN REALTY will obtain the necessary Consent where required from the particular data subject.

MERIDIAN REALTY shall moreover and where possible enter into an OPERATORS' AGREEMENT with the relevant third party with which MERIDIAN REALTY share data subjects' information in order to ensure that the third party operator treats the personal information of MERIDIAN REALTY's data subjects responsibly and in accordance with the provisions contained in the Act and Regulations thereto. MERIDIAN REALTY shall, where possible request copies of the third party operators' POPIA Policy, rules, internet rules and details of the third party's Information Officer.

## **12. BANKING DETAILS**

It is a known fact that the real estate role players are particular targets for email interceptions and in particular the interception of banking details for purposes of payment in respect of the transaction. MERIDIAN REALTY's data subjects are open to large amounts of damages and losses if emails are intercepted and banking details are fraudulently amended without the data subject's knowledge.

- 12.1. When monies in terms of a transaction are to be paid to MERIDIAN REALTY's account, all care should be taken by the MERIDIAN REALTY employee communicating the banking details with the person responsible for payment thereof;
- 12.2. If the payment request is transmitted electronically via email, it is an internal requirement that such email be followed up with a phone call or a whatsapp;
- 12.3. MERIDIAN REALTY undertakes not to send the banking details of third parties to any of the data subjects involved in a transaction without also phoning such data subject *and* sending a whatsapp to confirm the details.

## **13. DIRECT MARKETING**

In the event that MERIDIAN REALTY utilizes data subjects' personal contact particulars as stored on MERIDIAN REALTY's existing database or obtained from a third party, MERIDIAN REALTY shall ensure that it engages with the data subject responsibly and with respect.

MERIDIAN REALTY will develop a specific narrative that will need to be used when data subjects are telephoned and which narrative will include a series of questions to establish whether the data subject wishes to discuss an offering by MERIDIAN REALTY, wishes to remain on the database for future offering or whether the data subject wishes to be deleted from the MERIDIAN REALTY database. Record of the telephone conversation is required.

In the event that MERIDIAN REALTY sends emails to data subjects of a marketing nature, such emails shall clearly display the options of OPTING OUT of the email sender list. The requests for OPTING OUT must be recorded.

## **14. DATA CLASSIFICATION**

All of MERIDIAN REALTY's employees share in the responsibility for ensuring that MERIDIAN REALTY's information assets receive an appropriate level of protection by observing this Information Classification policy:

- 14.1. Managers of MERIDIAN REALTY or information 'owners' shall be responsible for assigning classifications to information assets according to the standard information classification system

presented below. ('Owners' have approved management responsibility. 'Owners' do not have property rights.)

14.2. Where practicable, the information category shall be embedded in the information itself.

14.3. All employees of MERIDIAN REALTY shall be guided by the information category in their security-related handling of MERIDIAN REALTY's information. All information of MERIDIAN REALTY and all information entrusted to MERIDIAN REALTY from third parties fall into one of three classifications in the table below, presented in order of increasing sensitivity.

Information Description	Examples	Category
Unclassified Public	Information is not confidential and can be made public without any implications for MERIDIAN REALTY	Product brochures widely distributed  Information widely available in the public domain, including publicly available web site areas of MERIDIAN REALTY  Sample downloads of MERIDIAN REALTY's software that is for Sale  Financial reports required by regulatory authorities  Newsletters for external transmission
Proprietary	Information is restricted to management approved internal access and protected from external access. Unauthorized access could influence MERIDIAN REALTY's operational effectiveness, cause an important financial loss, provide a significant gain to a competitor, or cause a major drop in customer confidence. Information integrity is vital.	Passwords and information on corporate security procedures  Know-how used to process client information  Standard Operating Procedures used in all parts of MERIDIAN REALTY's activities  All software codes developed by MERIDIAN REALTY, whether used internally or sold to clients
Client Confidential Data	Information collected and used by MERIDIAN REALTY in the conduct of its business to employ people, to log and fulfil client mandates, and to manage all aspects of corporate finance. Access to this information is very restricted within MERIDIAN REALTY. The highest possible levels of integrity, confidentiality, and restricted availability are vital.	Salaries and other personnel data  Accounting data and internal financial reports  Confidential customer business data and confidential contracts  Non-disclosure agreements with clients/vendors Company business plans

## 15. RIGHTS OF THE DATA SUBJECT

15.1. The data subject or competent person where the data subject is a child, may withdraw his, her or its consent to procure and process his, her or its personal information, at any time, providing that the

lawfulness of the processing of the personal information before such withdrawal or the processing of personal information is not affected.

- 15.2. A data subject may object, at any time, to the processing of personal information– a) In writing, on reasonable grounds relating to his, her or its situation, unless legislation provides for such processing; or b) For purposes of direct marketing other than direct marketing by means of unsolicited electronic communications.
- 15.3. A data subject, having provided adequate proof of identity, has the right to – a) Request MERIDIAN REALTY to confirm, free of charge, whether or not MERIDIAN REALTY holds personal information about the data subject; and b) Request from MERIDIAN REALTY a record or a description of the personal information about the data subject held by MERIDIAN REALTY, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information – within a reasonable time; at a prescribed fee as determined by the Information Officer; in a reasonable manner and format; and in a form that is generally understandable.
- 15.4. A data subject may, in the prescribed manner, request MERIDIAN REALTY to – a) correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained unlawfully; or b) destroy or delete a record of personal information about the data subject that MERIDIAN REALTY is no longer authorised to retain.
- 15.5. Upon receipt of a request referred to in clause 15.4, MERIDIAN REALTY will, as soon as reasonably practicable – a) correct the information; b) destroy or delete the information; c) provide the data subject, to his, her or its satisfaction, with credible evidence in support of the information; or d) where an agreement cannot be reached between MERIDIAN REALTY and the data subject, and if the data subject so requests, take such steps as are reasonable in the circumstances, to attach to the information in such a manner that it will always be read with the information, an indication that a correction of the information has been requested but has not been made.
- 15.6. MERIDIAN REALTY will inform the data subject, who made a request as set out in clause 15.5, of the action taken as a result of the request.

## **16. COVID 19**

MERIDIAN REALTY has implemented and continue to apply its Workplace Risk Assessment measures in line with accepted Occupational Health and Safety Guidelines issued by the Departments of Labour and Health. With reference to these assessment measures, MERIDIAN REALTY is entitled to oblige employees, clients and other visitors to complete a Covid 19 Risk Assessment form upon entering the MERIDIAN REALTY offices and/or properties listed with MERIDIAN REALTY and at which a viewing is arranged provided that the personal and special personal information required to be completed are necessary and limited to the purposes of assessing the risk of Covid 19 exposure. MERIDIAN REALTY may also, where required by statute, share the information with the Departments of Labour and Health especially in the event of someone testing positive and/or where a significant increase of risk exists in the workplace and offices.

With the implementation of the MERIDIAN REALTY Workplace Vaccination program, further employee and other relevant data subjects' personal and medical information may be collected and processed by MERIDIAN REALTY and may be shared with Regulated third parties and internally if the sharing of the information complies with the provisions for the MERIDIAN REALTY' Vaccination program Policies.

## **17. INFORMATION OFFICER**

### **17.1. Appointed Information Officer:**

Contact details	Information Officer
Name	Bianca Louw
Postal Address:	PO Box 7242, Stellenbosch, 7599

Street Address: Office 12, The Woodmill Lifestyle Centre, Vredenburg  
Road, Devonvallei, Stellenbosch  
Tel./Mobil: 0663077105  
E-Mail: bianca@meridianrealty.co.za

**17.2. The general responsibilities of MERIDIAN REALTY's Information Officer include the following:**

- 17.2.1. The encouragement of compliance, by MERIDIAN REALTY, with the conditions for the lawful processing of personal information.
- 17.2.2. Managing requests made to MERIDIAN REALTY pursuant to POPIA.
- 17.2.3. Working with the Regulator in relation to investigations conducted pursuant to prior authorisation required to process certain information of POPIA in relation to the business.
- 17.2.4. Continuously perform data backups, store at least weekly backup offsite, and test those backups regularly for data integrity and reliability.
- 17.2.5. Review policy rules regularly, document the results, and update the policy as needed.
- 17.2.6. Continuously update information security policies and network diagrams.
- 17.2.7. Secure critical applications and data by patching known vulnerabilities with the latest fixes or software updates.
- 17.2.8. Perform continuous computer vulnerability assessments and audits.
- 17.2.9. The Information Officer may appoint any number of Deputy Information Officers as is necessary to perform the duties of the Information Officer as set out above. The Information Officer has control over every Deputy Information Officer(s) appointed.
- 17.2.10. The Information Officer may delegate, in writing, his/her power of duty conferred or imposed by this Act, to a Deputy Information Officer(s). In his/her decision to delegate power of duty, the Information Officer must give due consideration to the need to render MERIDIAN REALTY as accessible as reasonably possible for requests of its records.
- 17.2.11. The Deputy Information Officer's duties must only be exercised or performed subject to any conditions set by the Information Officer. The delegation of power does not prohibit the Information Officer from performing these duties himself/herself. The Information Officer may at any time withdraw or amend, in writing, the delegation of power of duty.
- 17.2.12. Any right or privilege acquired, or any obligation or liability incurred as a result of the delegation of power, is not affected by any subsequent withdrawal or amendment of that delegation.

**17.3. The data breach responsibilities of MERIDIAN REALTY's Information Officer include the following:**

- 17.3.1. Ascertain whether personal data was breached;
- 17.3.2. Assess the scope and impact by referring to the following:
  - 17.3.2.1. Estimated number of data subjects whose personal data was possibly breached
  - 17.3.2.2. Determine the possible types of personal data that were breached
  - 17.3.2.3. List security measures that were already in place to prevent the breach from happening.
- 17.3.3. Once the risk of the breach is determined, the following parties need to be notified within 72 hours after being discovered:
  - 17.3.3.1. The Information Regulator.
  - 17.3.3.2. Any data subjects who have been affected by such data breach.
  - 17.3.3.3. MERIDIAN REALTY will only delay notification of the data subject if a public body responsible for the prevention, detection or investigation of offences or the Regulator determines that notification will impede a criminal investigation by the public body concerned.
  - 17.3.3.4. The notification to a data subject will be in writing and communicated to the data subject in at least one of the following ways: a) Posted to the data subject's last known physical

or postal address; or b) Sent by e-mail to the data subject's last known e-mail address; or c) Placed in a prominent position on the website of MERIDAN; or d) Published in the news media.

17.3.3.5. Communication should include the following:

- Contact details of Information Officer;
- Details of the breach;
- Likely impact;
- Actions already in place, and those being initiated to minimise the impact of the data breach;
- Any further impact is being investigated (if required), and necessary actions to mitigate the impact are being taken;
- A description of the possible consequences of the security compromise;
- A description of the measures that MERIDAN intends to take or has taken to address the security compromise;
- A recommendation about the measures to be taken by the data subject to mitigate the possible adverse effects of the security compromise; and
- If known to MERIDIAN REALTY, the identity of the unauthorised person who may have accessed or acquired the personal information.

17.3.4. Review and monitor

17.3.4.1. Once the personal data breach has been contained, MERIDIAN REALTY will conduct a review of existing measures in place and explore the possible ways in which these measures can be strengthened to prevent a similar breach from reoccurring.

17.3.4.2. All such identified measures should be monitored to ensure that the measures are satisfactorily implemented.

## 18. GDPR

MERIDIAN REALTY fully supports and complies with the 6 (Six) protection principles of the GDPR related to data subjects of MERIDIAN REALTY who fall within the EU and which are summarised below:

- 18.1. **Lawfulness, fairness and transparency:** The personal information of the European citizens will be processed lawfully, fairly and in a transparent manner in relation to the data subject.
- 18.2. **Purpose limitation:** The personal information of the European citizens will be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes. Further processing for achieving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purpose.
- 18.3. **Data Minimisation:** The personal information of the European citizens will be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- 18.4. **Accuracy:** The personal information of the European citizens will be accurate and, where necessary, kept up to date. Every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purpose for which it is processed, is erased or rectified without delay.
- 18.5. **Storage Limitation:** The personal information of the European citizens will be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed. Personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1), subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject.
- 18.6. **Integrity and Confidentiality:** The personal information of the European citizens will be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised

or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures

## **19. AVAILABILITY AND REVISION**

A link to this Policy is made available on the MERIDIAN REALTY company website: [www.meridianrealty.co.za](http://www.meridianrealty.co.za)

Postal Address: PO Box 7242, Stellenbosch, 7599  
Street Address: Office 12, The Woodmill Lifestyle Centre, Vredenburg Road, Devonvallei, Stellenbosch  
Telephone Number: 0861 732 589  
Email: [info@meridianrealty.co.za](mailto:info@meridianrealty.co.za)

This policy will continually be updated to comply with legislation, thereby ensuring that personal information will be secure.



**FORM 1**

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.**

**4 OF 2013) REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

[Regulation 2]

*Note:*

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code (      )
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code (      )
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) <i>(Please provide detailed reasons for the objection)</i>

Signed at ..... this ..... day of .....20.....

..... *Signature of data subject/designated person*

**FORM 2**

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION INTERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

[Regulation 3]

*Note:*

1. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

Mark the appropriate box with an "x".

**Request for:**

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code (      )
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of responsible party:	
Residential, postal or business address:	
	Code (      )
Contact number(s):	
Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED
<b>D</b>	<b>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT INTERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or</b> <b>REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. (Please provide detailed reasons for the request)</b>

Signed at ..... this ..... day of ..... 20.....

.....  
Signature of data subject/ designated person

**FORM 3**

**APPLICATION FOR THE CONSENT OF A DATA SUBJECT FOR THE PROCESSING OF PERSONAL INFORMATION FOR THE PURPOSE OF DIRECT MARKETING IN TERMS OF SECTION 69(2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

[Regulation 6]

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FROM: *(Name of data subject)*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact number(s): \_\_\_\_\_  
Fax number: \_\_\_\_\_  
E-mail address: \_\_\_\_\_  
*(Name, address and contact details of responsible party)*

Full names and designation of person signing on behalf of responsible party:  
\_\_\_\_\_  
.....  
*Signature of designated person*

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

**PART B**

I, \_\_\_\_\_ *(full names of data subject)* hereby:

Give my consent.

To receive direct marketing of goods or services to be marketed by means of electronic communication.

**SPECIFY GOODS or SERVICES:**

**SPECIFY METHOD OF COMMUNICATION:**

E - MAIL:

SMS:

OTHERS – SPECIFY:

Signed at ..... this ..... day of .....20.....

.....*Signature of data subject*