

# Kleinmond Special Rating Area NPC

(Registration Number 2021 / 352528 / 08)

PO Box 134, Kleinmond 7195

[www.kleinmondsra.co.za](http://www.kleinmondsra.co.za)

[info@kleinmondsag.co.za](mailto:info@kleinmondsag.co.za)

## Protection of Personal Information

This notice is available on our website [www.kleinmondsra.co.za](http://www.kleinmondsra.co.za) and, upon request, from our office at [info@kleinmondsag.co.za](mailto:info@kleinmondsag.co.za).

### 1. Introduction

**Kleinmond Special Rating Area non-profit company (KSRA NPC) was established in 2020** in accordance with the *Overstrand Municipality: Special Rating Area By-law 2016*, promulgated in the *Provincial Gazette Extraordinary 7692* (21 October 2016); the requirements of *Section 22 of the Municipal Property Rates Act of 2004*; and the *Overstrand Municipality: Special Rating Area Policy* (1 July 2019).

It is the mission of KSRA NPC to deliver supplementary municipal services as determined by the community itself to ensure, in a sustainable manner, a safe, healthy, and clean environment for residents and visitors. The services are supplementary to services already provided and rendered by Overstrand Municipality.

KSRA NPC processes personal information and other confidential information of individuals and juristic persons to deliver notices of general meetings and regular reports of its activities to property owners within the Kleinmond municipal boundaries. The nature of the personal information KSRA NPC processes depends on the legislative requirements that it has to adhere to.

KSRA NPC is obliged to process personal information in accordance with the provisions of the Protection of Personal Information Act, no. 4 of 2013 ('the POPI Act'). This notice constitutes KSRA NPC's policy statement to declare its commitment to comply with the POPI Act when processing personal information and special personal information.

KSRA NPC's information officer is Dr PJL (Vic) Brink, the chairperson of its Board.  
KSRA NPC's deputy information officer is Mr CF (Chris) Harding.

## 2. Summary

KSRA NPC takes very seriously the protection and safety of Kleinmond property owners' personal information. The following is a summary of the way personal information is to be managed by KSRA NPC:

- **Processing personal information**

According to the Overstrand Municipal (OM) Bylaw for Special Rating Areas Par 5(3); the OM policy for Special Rating Areas Par 10.1; the KSRA Memorandum of Incorporation Par 11.4.5; and the Financial Agreement between OM and KSRA Par 6.1, KSRS NPC needs to collect and process some of Kleinmond property owners' personal information in order to inform them of annual general meetings and to report on activities undertaken by KSRA NPC for the benefit of Kleinmond property owners. Updated information is to be provided to KSRA NPC by OM at six monthly intervals and will be further updated by KSRA NPC whenever instructed to do so by property owners.

- **Personal information kept by KSRA NPC**

The registered name of every Kleinmond property owner (individual, company, closed corporation, trust, sectional title body corporate, partnership, or other body), the erf number and physical address of every Kleinmond property, as well as the postal address, e-mail address and phone number of every property owner or representative of a juristic person. The municipal account number provides the unique identity on KSRA NPC's database.

- **Sharing of your personal information**

KSRA NPC will not share with a third party, other than OM's financial department, any personal information.

- **Protection of personal information**

KSRA NPC takes all reasonable precautions to protect personal information against theft, unauthorised access, and disruption of services.

- **Marketing of products**

KSRA NPC will not use any property owner's personal information to market any product or to send any information unrelated to the business of KSRA NPC.

- **The right to access of information**

According to Par 10.2 of the KSRA NPC's Memorandum of Incorporation, every property owner has the right to know precisely what personal information is kept by KSRA NPC and to require changes to this information whenever necessary.

- **The right not to receive information**

Property owners have the right to request that they are not sent communications such as e-mail notices from KSRA NPC; in which case their instructions would be registered on KSRA NPC's database. Notices and reports would not be sent to them, they would not be able to exercise their right to receive information about KSRA NPC activities, and they

would lose their right to object for not having received KSRA NPC's notices, reports and any other information.

### 3. Definitions of terms used in this notice

In this notice the following terms and expressions will have the meaning assigned to them by the POPI Act:

**Confidential information** means any personal information, as defined in the POPI Act, and any other information or data of any nature, tangible or intangible, oral or in writing and in any format or medium, which by its nature or content is, or ought reasonably to be, identifiable as confidential and/or is provided or disclosed in confidence to KSRA NPC.

**The data subject** is an individual or juristic person to whom the personal information relates. It includes Kleinmond property owners, the members of KSRA NPC, employees and service providers as well as candidates applying for employment or service delivery.

**KSRA NPC** is Kleinmond Special Rating Area Non-profit Company, registration number 2021/352528/08.

**Electronic communication** means any text, voice, sound, or image message sent over an electronic communications network that is stored in the network or in the recipient's terminal equipment until it is collected by the recipient.

**An information security breach** is any incident:

- in which sensitive and/or protected and/or private and/or confidential information has been lost, disclosed, stolen, copied, transmitted, viewed, altered, destructed, or otherwise used or processed in an unauthorized manner; or
- that results in the unauthorized access of information, applications, services, networks, and/or devices by bypassing our company's security mechanisms.

**Personal information** is information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:

- information relating to the race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, and the birth of the person;
- information relating to the education or the medical, financial, criminal, or employment history of the person;
- any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other assignments 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; 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 of the responsible party, whether by automatic means, concerning personal information, including:

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

**Record** means any recorded information regardless of form or medium, including any of the following:

- 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 devices, 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 a part, or to which it is attached by any means;
- book, map, plan, graph, or drawing; and
- photograph, film, negative, tape, or other device in which one or more visual images are embodied to be capable, with or without the aid of some other equipment, of being reproduced.
- in the possession or under our company's control, whether or not it was created by us; and regardless of when it came into existence.

**Responsible party** means Kleinmond SRA NPC.

**Special personal information** is information that relates to the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, or biometric information of a data subject. It also includes criminal behaviour relating to alleged commissions of offenses or any proceeding dealing with alleged offenses.

## 4. Purpose of processing personal information

KSRA NPC processes personal information primarily to deliver notices of general meetings and regular reports of their activities to property owners within the Kleinmond municipal boundaries. KSRA NPC also processes personal information:

- to update their data base of company members and Kleinmond property owners;
- to deal with requests and inquiries about personal information held by KSRA NPC and to update this information when advised by property owners;
- should candidates apply for employment at KSRA NPC, to process their applications;
- in connection with and to comply with accounting and regulatory requirements (e.g. the requirements of the Financial Agreement with Overstrand Municipality) or when it is otherwise required by law.

## 5. Collecting and storing of personal information

When data subjects contact KSRA NPC by e-mail, other means of electronic communication, telephone or post, KSRA NPC collects, stores, uses, and keeps record of certain personal information that data subjects disclose. This includes details such as name, address, Kleinmond erf number, mobile phone number, and e-mail communication data. By providing KSRA NPC with personal information, data subjects authorise KSRA NPC and associated entities or third parties (where applicable) to process such information as set out herein.

KSRA NPC does not collect or use personal information of persons under the age of 18 years.

KSRA NPC does not process any special personal information about data subjects, unless:

- it is necessary to establish, exercise, or defend a right or obligation in law;
- KSRA NPC has obtained the data subject's consent to do so (e.g. should any person apply for employment at KSRA NPC, his/her permission to do a criminal record check may be required).

KSRA NPC is committed to processing personal information and special personal information:

- fairly and lawfully, for specific lawful purposes.
- in accordance with any agreement KSRA may have with data subjects and in accordance with the accounting standards applicable to such information or information categories.
- which is accurate and kept up to date.
- which is adequate, relevant, and not excessive or misleading.

## 6. Sharing or transfer of personal information

KSRA NPC undertakes to use data subjects' personal information only for the purpose for which the information is essential and not to share or further process that information without the consent of the owner.

Please note that in certain circumstances KSRA NPC:

- must share personal information with the Overstrand Municipality as part of our reporting obligation as set out in the Financial Agreement with OM;
- aims to have agreements in place with service providers (such as online mass e-mail platforms) to ensure that the personal information that KSRA NPC remains responsible for, is safeguarded by our service providers. Anyone to whom KSRA NPC passes on data subjects' personal information will be required by KSRA NPC to treat this information with the same level of protection as KSRA NPC is obliged to do;
- must obtain personal information about Kleinmond property owners and other persons or entities from the Overstrand Municipality as part of the services which KSRA NPC render. KSRA NPC will inform data subjects when it must obtain personal information about them from any other third party.

South African legislation allows for the disclosure of personal information to law enforcement or other agencies without the owners' consent. In circumstances where KSRA

NPC is required to disclose information because it is legally obliged to do so, it will first consider the legitimate interests of all concerned.

KSRA NPC may need to transfer personal information to another country for processing or storage of data or when it is otherwise required by virtue of the nature of the services rendered to data subjects. This will be done only in limited circumstances and in strict adherence to the requirements of the POPI Act and other relevant legislation.

## 7. Retention of personal information

KSRA NPC will retain individual data subjects' personal information for as long they are Kleinmond property owners, employees, or service providers and/or in accordance with the provisions of any applicable legislation.

## 8. Safeguarding of personal information

KSRA NPC is required to take reasonable measures to adequately protect all the personal information it holds and to avoid unauthorized access and use of such personal information. To comply with this requirement, KSRA NPC maintains reasonable industry standard physical, electronic, and procedural safeguards in respect of the personal information it collects, stores, discloses and destroys.

Written communication with clients and third parties occurs mostly via the internet. For this reason, KSRA NPC has implemented generally accepted and up-to-date electronic communication safety measures. However, the internet is not entirely secure and therefore KSRA NPC cannot unconditionally guarantee the security of any information that data subjects provide via email, social media, or other communication platforms. Should data subjects be particularly concerned about the safety of specific personal information they intend to send to KSRA NPC, they should liaise with KSRA NPC regarding the appropriate communication platform to be used.

In the unlikely event that an information security breach in respect of personal information should occur, KSRA NPC will inform the affected data subject thereof. KSRA NPC will also investigate the security breach and will take all reasonable measures to limit any possible damage which may arise from the breach.

## 9. Access to and amendment of personal information held by KSRA NPC

Data subjects are asked to send an email to [info@kleinmondsag.co.za](mailto:info@kleinmondsag.co.za) if they:

- have any queries about this notice;
- need further information about KSRA NPC's privacy practices;
- wish to request a copy of the personal information KSRA NPC holds in respect of them and the purpose for holding it. KSRA NPC will take all reasonable steps to confirm their identity before providing details of their personal information to them. There will be no charge for providing any information so requested;

- wish to amend, correct, or destroy their personal information as held by KSRA NPC.

Data subjects are requested to contact KSRA NPC to update their personal information whenever their details change.

If KSRA NPC does not respond satisfactorily to a request from a data subject pertaining to its personal information, the data subject may lodge a complaint at the office of the Information Regulator at the following addresses:

- Website: <https://www.justice.gov.za/infoereg/index.html>
- Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
- Postal address: P.O Box 31533, Braamfontein, Johannesburg, 2017
- Complaint e-mail address: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)
- General inquiry e-mail address: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

## 10. Changes to this notice

KSRA NPC may amend its personal information practices and review this notice from time to time. Amendments will be communicated as necessary and will appear on the KSRA NPC website.