



PECANWOOD
ESTATE
HOMEOWNERS ASSOCIATION

**NOTIFICATION OF COLLECTION OF PERSONAL INFORMATION AND CONSENT TO PROCESS
PERSONAL INFORMATION**

1. The Protection of Personal Information Act (Act no. 4 of 2013) (“**the POPIA**”) regulates the lawful processing of the personal information of any identifiable, living, natural person, and where it is applicable, any identifiable, existing juristic person.
2. **RESPONSIBLE PARTY**
 - 2.1 Pecanwood Estate Homeowners Association NPC is a responsible party for purposes of POPIA.
 - 2.2 Responsible Person: Information Officer
 - 2.2.1 Hannes Hendriks
 - 2.2.2 Community Association Manager
 - 2.2.3 cam@pecanwoodhoa.co.za
 - 2.3 Registered Address
 - 2.3.1 R512, Provincial Road, North West Province, South Africa
3. **COLLECTION OF PERSONAL INFORMATION**
 - 3.1 The Pecanwood Estate Homeowners Association NPC (“**the PHOA**”) collects and processes personal information, for specific purposes, as stated in Annexure “A” attached hereto.
 - 3.2 Personal information is collected either by voluntary action, automatic process or via third-party processors. This means that personal information is collected either -
 - 3.2.1.1 directly from you; or
 - 3.2.1.2 during the course of the PHOA’s, or any of its employees, contractors or service providers’ interactions with you when you visit the Pecanwood Estate; or
 - 3.2.1.3 when you visit and/or interact with the PHOA’s website or any other of the PHOA’s social media platforms (for example Facebook, Twitter or Instagram); or
 - 3.2.1.4 from any publicly available sources; or
 - 3.2.1.5 from any third-party resource who is authorised to share your personal information with the PHOA; or
 - 3.2.1.6 via a mobile or other software app developed for the PHOA.

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- 3.3 The provision of personal information is mandatory under certain circumstances, for example to –
- 3.3.1 enable the PHOA to comply with all applicable labour, tax and company laws and report to the government where required to do so;
 - 3.3.2 keep the required records and registers in terms of, for example, the Companies Act (Act no. 71 of 2008), the Income Tax Act (Act no 58 of 1962) or any other applicable law;
 - 3.3.3 enable the HOA to pursue its objects and fulfil its obligations in terms of its Memorandum of Incorporation to its members, to which all members of the PHOA are automatically subject;
 - 3.3.4 enable the PHOA to exercise its rights and fulfil its obligations in terms of contracts with its contractors and service providers.
- 3.4 The provision of personal information is voluntary, for example, for purposes of the PHOA notifying you of events, offerings and any goods or products.

4. FAILURE TO PROVIDE PERSONAL INFORMATION.

Refusal and/or failure to provide any personal information may result in the PHOA's inability to fulfil its obligation towards you as a member of the PHOA, to fulfil its obligations to you in terms of a contract, or provide particular services or products to you.

5. PROCESSING OF YOUR PERSONAL INFORMATION

- 5.1 In accordance with Sections 11 and 18 of POPIA, the PHOA must establish a lawful justification for the collection and processing of your personal information and must use its best endeavours to always inform you of any occasion where we collect your personal information, as well as the purpose for which we do so.
- 5.2 The POPIA provides that the PHOA's collection and processing of your personal information is justified where -
- 5.2.1 the processing is necessary to carry out actions for the conclusion or performance of a contract to which you are a party;
 - 5.2.2 the processing is necessary for the PHOA to comply with an obligation imposed by law on the PHOA ;
 - 5.2.3 the processing protects your legitimate interests;
 - 5.2.4 the processing is necessary for pursuing the legitimate interests of the PHOA or of a third party to whom the information is supplied; or
 - 5.2.5 you consent to the processing of your personal information, or where you are a person who is legally competent to consent to any action or decision being taken in respect of

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any matter concerning a child under the age of 18 years (“**competent person**”) consents to the processing of the child’s personal information.

6. ACCURACY OF PERSONAL INFORMATION

In terms of the POPIA, the PHOA must have accurate and up-to-date information about you. It is your responsibility to ensure that all personal information that you provide to the PHOA, is correct and current, and inform the PHOA of any changes or updates thereto that may be required.

7. TRANSFER OF PERSONAL INFORMATION

The PHOA does not transfer personal information outside the Republic of South Africa to any third parties.

8. SHARING OF PERSONAL INFORMATION

8.1 The PHOA may disclose personal information -

8.1.1 to its auditors, legal advisors, managing agent(s) (if any), other professional advisers and consultants of the PHOA, or any other third-party service providers (“**third-party service provider**”) who the PHOA may contract with in order to pursue its objects, provide services and fulfil its obligations in terms of the PHOA’s Memorandum of Incorporation;

8.1.2 to comply with the law, a legal proceeding, a court order, or other legal processes, such as in response to a court order or a subpoena

8.1.3 to third parties used to facilitate payment transactions, for example, banks;

8.1.4 to third parties where you have a relationship with that third party, and you have consented to the PHOA sharing your personal information;

8.1.5 to third parties for marketing purposes;

8.1.6 collected from you where the PHOA believes it is necessary to investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the safety of any person, or as evidence in litigation in which the PHOA is involved.

8.1.7 to government bodies, regulators and any other third party necessary to meet the PHOA’s legal and regulatory obligations.

9. SAFETY

The PHOA takes all reasonable organisational measures to protect the confidentiality and security of personal information when it is disclosed to a third party and requires third-party service providers to deal with any personal information provided only in terms of the PHOA’s

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instructions, for the purpose of which it is disclosed to the third-party service provider and in terms of the provisions of the POPIA.

10. RETENTION OF PERSONAL INFORMATION

The PHOA will only retain personal information for as long as it is required to carry out or achieve the purpose(s) for its collection and processing as stated in Annexure "A", or as otherwise required by law.

11. YOUR RIGHTS

As the person to whom the personal information relates, you have the following rights -

11.1 Right to be Notified

You have the right to be notified that -

11.1.1 personal information about you is being collected and processed;

11.1.2 if your personal information has been accessed by an unauthorised Person.

11.2 Right of Access

You have the right to enquire and to establish whether the PHOA holds personal information about you, or any child in respect of whom you are the competent person and to request access to the record of your personal information by utilising the required form (*Request for Access to Record of Private Body*).

11.3 Right to Correction, Destruction or Deletion

You have the right to request, where necessary, the correction, destruction or deletion of your personal information, or the personal information of any child in respect of which you are a competent person by utilising the required form (*Request Correction or Deletion of Personal Information*).

11.4 Right to Objection

You have the right to object –

11.4.1 on reasonable grounds relating to your particular situation to the processing of your personal information or the personal information of a child in respect of whom you are the competent person;

11.4.2 to the processing of your, or any child in respect of whom you are a competent person, personal information -

11.4.2.1 at any time for purposes of direct marketing; or

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- 11.4.2.2 for purposes of direct marketing by means of unsolicited electronic communications,
by utilising the required form (*Objection to the Processing of Personal Information*), which can be accessed at.

11.5 Right with regards to Automated Processing

You have the right not to be subject, under certain circumstances, to a decision of Emira which is based solely on the basis of the automated processing of your Personal Information, intended to create a profile of you.

11.6 Right to Complain

- 11.6.1 You have the right to submit a complaint, in the form prescribed by the Information Regulator, to the Information Regulator alleging interference with the protection of your Personal Information.

If you believe that the PHOA has not dealt with your personal information in a lawful or reasonable manner, or has not responded to your request to exercise any of the rights stated above, please address your concerns first with the PHOA's Information Officer. You may also choose to submit a complaint to the Information Regulator.

Information Officer	Mnr Hannes Hendriks
Address	R512, Provincial Road, Broederstroom, North West
Telephone number	(012) 244 8000
Email address	cam@pecanwood.co.za

Information Regulator	
Address	27 Stiemens Street, Braamfontein, Johannesburg
Telephone number	(010) 023 5200
Email address	POPIAComplaints@infoeregulator.org.za
Web Address	https://www.justice.gov.za/infoereg/contact.html

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12. Both the POPIA Policy and PAIA Manual of the PHOA are available on our website www.pecanwood.co.za , as well as at the offices of the PHOA.

(This carries no signature as it is electronically transferred)
Hannes Hendriks
Community Association Manager

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Annexure "A"

DECLARATION AND INFORMED CONSENT

1. I confirm and declare that I freely and voluntarily provide consent for the collection and processing of my personal information (including biometric information) and where applicable, in my capacity as my child's competent person, consent for the collection and processing of personal information of my child (including biometric information), for the purpose(s) as stated in Annexure "A".
2. I acknowledge that I have been informed of, and understand the purpose(s) for which personal information is collected and processed by the PHOA.
3. I confirm that all personal information provided to the PHOA is accurate, up to date, not misleading and complete in all respects. I undertake to immediately advise PHOA of any changes to the personal information should any of it changes.
4. Where this consent relates to my child, I confirm that I am legally competent to provide the aforementioned consent to the PHOA to process my child's personal information (including biometric information) as stated above.
5. I have been advised that in terms of Section 11(2) of POPIA, I have the right right to withdraw my consent, provided that the lawfulness of the processing of my or my child's personal information before such withdrawal or the processing of personal information – if the processing is necessary to carry out actions for the conclusion or performance of a contract to which I am a party - will not be affected.

Name

Signature

Date

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Annexure "A"

1. "Personal information" is -
 - 1.1. 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 birth of the person;
 - 1.2. information relating to the education or the medical, financial, criminal or employment history of the person;
 - 1.3. any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignments to the person;
 - 1.4. the biometric information of the person;
 - 1.5. the personal opinions, views or preferences of the person,
 - 1.6. 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;
 - 1.7. the views or opinions of another individual about the person; and
 - 1.8. 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.

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<u>Personal information that the PHOA may collect and processes</u>	<u>The purpose for collection and processing:</u>
<p><u>Identification information:</u></p> <p>Name, identity number, registration number (if juristic person), passport number, gender, date of birth, erf/stand number, residential address, and information regarding your employer.</p>	<p>To verify your identity to, inter alia, enable you to enter the Pecanwood Estate, to provide services to you, undertake adequate security and monitoring measures, comply with our legal and contractual obligations, and otherwise for the PHOA's and your legitimate interests or those of a third party.</p>
<p><u>Biometric information:</u></p> <p>Fingerprints, hand or palmprints, facial recognition and/or retinal scanning,</p>	<p>To enable the PHOA to arrange, monitor and enforce proper security measures and to regulate access and egress into and out of the Pecanwood Estate</p>
<p><u>Information obtained during visits:</u></p> <p>Name, identity number, CCTV images; vehicle registration information; vehicle registration details, driver's licence, vehicle license</p>	<p>To allow you access to our Estate in line with our security policies and procedures and to manage and resolve any legal or commercial complaints or issues, including security practices</p>
<p><u>Contact information:</u></p> <p>Email address; telephone number; physical address; erf/stand number and other location information.</p>	<p>To provide you with information relevant to you as a member, resident, visitor or contractor/supplier of the PHOA, to keep you informed about activities and updates, to respond to any queries and requests, to manage and resolve any commercial or legal complaints or issues, to carry out planning and forecasting activities, to comply with legal and contractual obligations, and otherwise for the PHOA's and your legitimate interests or those of a third party.</p>
<p><u>Contact and payment information</u></p> <p>Names; registration numbers and documents, email; telephone number; address, payment and bank details verified banking details.</p>	<p>To enable the PHOA to procure products and services from you, to keep you informed about our activities and updates, to respond to any queries and requests, to carry out market analysis and research, to carry out planning and forecasting activities, for other internal business processes, to comply with our legal and contractual obligations, and otherwise for our legitimate interests or those of a third party.</p>

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Contact and other information about our directors, current employees and prospective employees:
contact details, employment history, references, vetting information, financial information including banking details, IT information and other information relating to employment (e.g.: leave; appraisals etc.

To enable you to carry out your role/duties, to carry out the PHOA's contract with you, monitor your performance and compliance with our policies/standards/procedures, provide you with training and benefits and provide remuneration, to comply with our legal and contractual obligations, and otherwise for our legitimate interests or those of a third party

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ANNEXURE "B"

(Please ensure you sign, complete and return to the PHOA)

Purchaser/Director/Trustee (One)

* Erf / Stand Number: _____

* Full Name: _____

* Surname: _____

* Domicilium Address: _____

* Postal Address: _____

Contact Details: * (Cell Number) _____

* (Alt Contact Number) _____

(FAX) _____

* (E-Mail) _____

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Purchaser/Director/Trustee (Two)

* Full Name: _____

* Surname: _____

* Domicilium Address: _____

* Postal Address:

Contact Details:

* (Cell) _____

* (Alt Contact Number: _____

(FAX) _____

* (E-Mail) _____

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