

JPS TRUST (PTY) LTD

Policy in terms of the Protection of Personal Information Act,
No. 4 of 2013 (South Africa)

Compiled on behalf of the Director of JPS Trust (Pty) Ltd.

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1. SCOPE OF POLICY

- 1.1 This policy applies to the management and administration of JPS Trust (Pty) Ltd wherever it is conducted, but based at its domicilium address. It applies to the Director and employees and the Managing Agent.
- 1.2 Policy operational date: 1 July 2021
- 1.3 Information Officer: Maritha Moolman
- 1.4 Next review date: 1 July 2022

2. DEFINITIONS

In this policy, unless the context indicates the contrary:

- 2.1 “**JPS Trust (Pty) Ltd**” means JPS Trust (Pty) Ltd with registration number 2018/573321/07 which was established in 1985. It is a group of companies operating in the Real Estate areas of Property Management and Letting.

The Group consists of:

Nanini 304 (Pty) Ltd trading as JPS Trust with registration number 2018/579006/07

JPM Bestuur & Administrasie (Pty) Ltd trading as JPS Trust with registration number 2018/582960/07

Purple Dot Investment 20 (Pty) LTd trading as JPS Trust with registration number 2001/014632/07

Purple Dot Investment 24 (Pty) Ltd trading as JPS Trust with registration number 20158/577843/07

Purple Dot Investment 40 (Pty) Ltd trading as JPS Trust with registration number 2002/008618/07

- 2.2 “**consent**” means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;
- 2.3 “**Data Subject**” means the person to whom personal information relates;
- 2.4 “**Information Officer**” means the head of a private body as contemplated in section 1 of PAIA;
- 2.5 “**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;
- 2.6 “**PAIA**” means the Promotion of Access to Information Act, No. 2 of 2000;
- 2.7 “**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:
 - 2.7.1 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;
- 2.7.2 information relating to the education or the medical, financial, criminal or employment history of the person;
- 2.7.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- 2.7.4 the biometric information of the person;
- 2.7.5 the personal opinions, views or preferences of the person;
- 2.7.6 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;
- 2.7.7 the views or opinions of another individual about the person; and
- 2.7.8 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 about the person;
- 2.8 **“private body”** means:
- 2.8.1 a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
- 2.8.2 a partnership which carries or has carried on any trade, business or profession; or
- 2.8.3 any former or existing juristic person, but excludes a public body;
- 2.9 **“POPI Act”** means the Protection of Personal Information Act, No. 4 of 2013, as amended from time to time;
- 2.10 **“processing”** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including:
- 2.10.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- 2.10.2 dissemination by means of transmission, distribution or making available in any other form; or
- 2.10.3 merging, linking, as well as restriction, degradation, erasure or destruction of information;
- 2.11 **“record”** means any recorded information:
- 2.11.1 regardless of form or medium, including any of the following:
- 2.11.1.1 writing on any material;
- 2.11.1.2 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;

2.11.1.3 label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;

2.11.1.4 book, map, plan, graph or drawing;

2.11.1.5 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;

2.11.2 in the possession or under the control of a Responsible Party;

2.11.3 whether or not it was created by a Responsible Party; and

2.11.4 regardless of when it came into existence;

2.12 **“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;

2.13 **“Director”** means the Directors of JPS Trust (Pty) Ltd

3. INTRODUCTION

3.1 Purpose of Policy

The purpose of this policy is to enable JPS Trust (Pty) Ltd to:

3.1.1 comply with the law in respect of the data it holds about individuals and juristic persons;

3.1.2 follow good practice;

3.1.3 protect the Trustees, members of JPS Trust (Pty) Ltd, Managing Agent, employees and other individuals and juristic persons;

3.1.4 protects JPS Trust (Pty) Ltd and all persons acting on its behalf from the consequences of a breach of its responsibilities.

3.2 Personal information

This policy applies to information relating to identifiable individuals and juristic persons in terms of the POPI Act.

3.3 Policy statement

JPS Trust (Pty) Ltd shall:

- comply with the provisions of the Protection of Personal Information Act, No. 4 of 2013 ('POPI Act'), and the Promotion of Access to Information Act, No. 2 of 2000;
- comply with any other relevant legislation or regulations issued in respect of the right to privacy and the processing of personal information;
- respect individuals' and juristic persons' rights;
- be open and honest with individuals and juristic persons whose data is held; and

- provide training and support for its Trustees, Managing Agent and employees who handle personal data, so that they can act confidently and consistently.

JPS Trust (Pty) Ltd recognises that its first priority under the POPI Act is to avoid causing harm to individuals and juristic persons. In the main this entails:

- keeping information secure and in the right hands; and
- the retention of good quality information.

The POPI Act aims to ensure that the legitimate concerns of individuals and juristic persons about the ways in which their data may be used are taken into account. In addition to being open and transparent, JPS Trust (Pty) Ltd will seek to give individuals and juristic persons as much choice as is possible and reasonable in respect of what data is held and how it is used.

3.3 Key risks

JPS Trust (Pty) Ltd has identified the following potential key risks, which this policy is designed to address:

- 3.3.1 Breach of confidentiality (information being given out inappropriately);
- 3.3.2 Insufficient clarity about the range of uses to which data will be put, leading to Data Subjects being insufficiently informed;
- 3.3.3 Failure to offer choice about data use when appropriate;
- 3.2.4 Harm to individuals and juristic persons if personal data is not up to date;
- 3.2.5 Device and hard copy security;
- 3.2.6 Device access by multiple users;
- 3.2.7 Personal information duplicated on and/or held at multiple places;
- 3.2.8 Personal information held and/or processed on personal devices;
- 3.2.9 Directors, Managing Agent and/or employees not receiving sufficient and proper training; and
- 3.2.10 Ensuring that the Managing Agent and Operators comply with the POPI Act.

4. INFORMATION OFFICER

(Chapter 3, Part A, Condition 1, and Chapter 5, Part B of the POPI Act, and section 4 of the Regulations)

4.1 Information Officer Responsibilities

The Information Officer shall be responsible for developing, publishing and maintaining a POPI Policy which addresses all relevant provisions of the POPI Act, including, but not limited to, the following:

- 4.1.1 Reviewing the POPI Act and periodic updates as published;
- 4.1.2 Ensuring that POPI Act training takes place for all Trustees, the Managing Agent and employees;

- 4.1.3 Ensuring that periodic communication awareness in respect of the POPI Act requirements takes place;
- 4.1.4 Ensuring that privacy notices for internal and external purposes are developed and published;
- 4.1.5 Processing Data Subject access requests;
- 4.1.6 Concluding contracts with Operators;
- 4.1.7 Ensuring that appropriate measures and controls are in place for ensuring the quality of personal information;
- 4.1.8 Whenever appropriate, to delete or destroy personal information;
- 4.1.9 Ensuring that appropriate security safeguards are in place;
- 4.1.10 Handling all dealings with the information regulator as foreseen in the POPI Act;
- 4.1.11 Provide direction to any deputy information Officer if and when appointed.

4.2 Appointment

- 4.2.1 The appointment of JPS Trust (Pty) Ltd Information Officer shall be authorised by the Trustees.
- 4.2.2 The appointment or re-appointment of an Information Officer shall be reviewed annually, or when otherwise required.

5. PROCESSING LIMITATION

(Chapter 3, Part A, Condition 2 of the POPI Act)

5.1 Processing Limitation

- 5.1.1 JPS Trust (Pty) Ltd undertakes to comply with the POPI Act, Condition 2 in terms of processing limitation, sections 9 to 12.
- 5.1.2 Only relevant information needed for a specific and legitimate purpose shall be processed.
- 5.1.3 JPS Trust (Pty) Ltd undertakes to gain written consent where appropriate; alternatively a recording shall be kept of any verbal consent.
- 5.1.4 Personal information shall furthermore only be processed if:
 - 5.1.4.1 processing is necessary to carry out actions for the conclusion or performance of a contract to which the Data Subject is party;
 - 5.1.4.2 processing complies with an obligation imposed by law on JPS Trust (Pty) Ltd;
 - 5.1.4.3 processing protects a legitimate interest of the Data Subject;
 - 5.1.4.4 processing is necessary for the proper performance of a public law duty by a public body; or
 - 5.1.4.5 processing is necessary for pursuing the legitimate interests of JPS Trust (Pty) Ltd or of a third party to whom the information is supplied.

6. PURPOSE SPECIFICATION

(Chapter 3, Part A, Condition 3 of the POPI Act)

- 6.1 JPS Trust (Pty) Ltd undertakes to comply with the POPI Act, Condition 2 in terms of processing limitation, sections 13 and 14, subject to the following stipulations (retention periods).
- 6.2 JPS Trust (Pty) Ltd shall establish retention periods for at least the following categories of data:
 - 6.2.1 Trustees;
 - 6.2.2 Owners;
 - 6.2.3 Occupiers;
 - 6.2.4 Managing agents;
 - 6.2.5 Contractors; and
 - 6.2.6 Service providers.
- 6.3 Books of accounts and records shall be kept for a minimum period of 6 years after completion of the transactions, acts or operations to which they relate [management rule 26(3), as prescribed].

7. FURTHER PROCESSING LIMITATION

(Chapter 3, Part A, Condition 4, section 15 of the POPI Act)

- 7.1 JPS Trust (Pty) Ltd undertakes to comply with Chapter 3, Part A, Condition 4, section 15 of the POPI Act in respect of further processing.
- 7.2 After collecting personal information it shall only process it in a way that is necessary for, and relevant to, the original stated purpose.

8. INFORMATION QUALITY

(Chapter 3, Part A, Condition 5, section 16 of the POPI Act)

8.1 Accuracy

JPS Trust (Pty) Ltd shall regularly review its procedures for ensuring that its records remain accurate, consistent, and in particular that:

- 8.1.1 Data on any individual or juristic person shall be held in as few places as necessary, and all agents and employees shall be discouraged from establishing unnecessary additional data sets.
- 8.1.2 Effective procedures shall be in place so that all relevant systems are updated when information about any individual and/or juristic person changes.
- 8.1.3 Employees who keep more detailed information about individuals and/or juristic persons shall be given additional guidance on accuracy in record keeping.
- 8.1.4 The information retained/processed shall be complete, accurate, kept up to date and, as far as practically possible, obtained directly from the Data Subject.

8.2 Updating

JPS Trust (Pty) Ltd shall review all personal information on an annual basis in June of each year.

8.3 Archiving

Archived electronic and paper records of JPS Trust (Pty) Ltd are stored securely on/off site.

9. OPENNESS

(Chapter 3, Part A, Condition 6, sections 17 and 18 of the POPI Act)

9.1 In accordance with Condition 6, JPS Trust (Pty) Ltd is committed to ensuring that in principle Data Subjects are aware that their data is being processed, and:

- 9.1.1 for what purpose it is being processed;
- 9.1.2 what types of disclosure are likely; and
- 9.1.3 how to exercise their rights in relation to the data.

9.2 Data Subjects shall generally be informed in the following ways:

- 9.2.1 Employees, Trustees and the Managing Agent - through this policy; and
- 9.2.2 Owners, occupiers and other third parties - through JPS Trust (Pty) Ltd privacy notice.

10. SECURITY SAFEGUARDS

(Chapter 3, Part A, Condition 7, sections 19 to 22 of the POPI Act)

10.1 JPS Trust (Pty) Ltd shall secure the integrity and confidentiality of personal information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of personal information, and unlawful access to or processing of personal information.

10.2 Personal information may be held in electronic and/or in hard copy form. This information may be held at the domicile of JPS Trust (Pty) Ltd and/or its physical address, and/or the offices of the Managing Agent, and/or at sites managed by the service providers of JPS Trust (Pty) Ltd.

10.3 JPS Trust (Pty) Ltd is committed to keeping personal information safe.

10.4 Appropriate security measures to protect personal information that is in possession of JPS Trust (Pty) Ltd, and/or its Trustees, and/or its employees, and/or the Managing Agent shall be implemented against accidental or unlawful destruction, loss, alteration, unauthorised disclosure, unauthorised access, in accordance with applicable law.

10.5 The safeguards to be implemented and maintained by JPS Trust (Pty) Ltd include, but are not limited to, the following:

- 10.5.1 Ensuring safe storage of hard copies (e.g., locked drawer or filing cabinet);

- 10.5.2 Ensuring that where personal information is stored on removable devices, that these are kept safe and secure when not in use;
 - 10.5.3 Restricting access to devices by multiple users;
 - 10.5.4 Ensuring that personal information is held in as few places as is necessary;
 - 10.5.5 No unnecessary additional records, filing systems and data sets shall be created or kept;
 - 10.5.6 Ensuring that all computers, laptops, tablets, phones and flash drives that store personal information are password protected and never left unattended, unless they are locked, off or otherwise secured;
 - 10.5.7 Passwords must be strong, changed regularly and not shared with unauthorised persons;
 - 10.5.8 Keeping operating systems and adequate antivirus software up to date;
 - 10.5.9 Taking reasonable steps to ensure that personal information is stored only for as long as it is needed or required in terms of the purpose for which it was originally collected;
 - 10.5.10 Ensuring that the Trustees, Managing Agent, employees and Operators delete or destroy personal information when their office expires or agreements are terminated;
 - 10.5.11 Ensuring that the Trustees, Managing Agents and employees (if applicable) undergo proper, timeous and recurring training;
 - 10.5.12 Agreements shall be concluded between JPS Trust (Pty) Ltd, Managing Agent and Operators to ensure compliance with the POPI Act, and that adequate security measures are put in place and maintained.
- 10.6 These safeguards must be updated from time to time in order to address new and emerging security threats.
- 10.7 Where there are reasonable grounds to believe that personal information that is in the possession of JPS Trust (Pty) Ltd, and/or its Trustees, and/or its employees, and/or the Managing Agent has been accessed or acquired by any unauthorised person, the information regulator and Data Subject shall be notified forthwith, unless a public body responsible for detection, prevention or investigation of offences, or the information regulator, informs JPS Trust (Pty) Ltd that notifying the Data Subject concerned will impede a criminal investigation.

11. DATA SUBJECT PARTICIPATION

(Chapter 3, Part A, Condition 8, sections 23 to 25 of the POPI Act)

11.1 Responsibility

Any Data Subject access requests shall be dealt with by the Information Officer in terms of the POPI Act and PAIA.

11.2 Procedure for making request

11.2.1 Access requests must be in writing. The Trustees, Managing Agent and all employees are required to pass on anything which might be a Data Subject access request to the Information Officer without delay.

11.1.2 Requests for access to personal information shall be processed in compliance with the POPI Act and PAIA.

11.3 Provision for verifying identity

Where the individual making a Data Subject access request is not personally known to the Information Officer their identity shall be verified before providing any information.

11.4 Fees

Fees for access to personal information will be dealt with in compliance with the PAIA.

11.5 Procedure for granting access

Procedures for access to personal information shall be processed in accordance with the PAIA and as determined in JPS Trust (Pty) Ltd PAIA manual.

12. PROCESSING OF SPECIAL PERSONAL INFORMATION

(Chapter 3, Part B, sections 26 to 33 of the POPI Act)

12.1 JPS Trust (Pty) Ltd undertakes to comply with the provisions of the POPI Act in respect of the processing of special personal information which 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.

12.2 JPS Trust (Pty) Ltd is prohibited from processing special personal information, unless a general authorisation, alternatively a specific authorisation relating to the different types of special personal information applies.

13. PROCESSING OF PERSONAL INFORMATION OF CHILDREN

(Chapter 3, Part C, sections 34 and 35 of the POPI Act)

JPS Trust (Pty) Ltd undertakes to comply with the provisions of the POPI Act in respect of the processing of special personal information which relates to children.

14. DIRECT MARKETING, DIRECTORIES AND AUTOMATED DECISION-MAKING

(Chapter 8, sections 69 to 71 of the POPI Act)

14.1 JPS Trust (Pty) Ltd undertakes to comply with the provisions of the POPI Act in respect of direct marketing, directories and automated decision-making systems.

14.2 Whenever data is first collected which might be used for any marketing purpose, this purpose shall be made clear, and the Data Subject shall be given a clear opportunity to opt in or out.

15. TRANSFER OF PERSONAL INFORMATION OUTSIDE THE REPUBLIC

(Chapter 9, section 72 of the POPI Act)

- 15.1 JPS Trust (Pty) Ltd shall ensure that the provisions of the POPI Act regarding the international transfer of personal information (e.g., cloud services) are fully complied with.
- 15.2 JPS Trust (Pty) Ltd shall take appropriate safeguards to protect the personal information of a Data Subject when personal information is transferred outside the Republic, so as to ensure that the recipient shall process the information in a manner consistent with this policy and the provisions of the POPI Act.

16. TRAINING & ACCEPTANCE OF RESPONSIBILITIES

(Chapter 5, Part B of the POPI Act, and section 4 of the Regulations)

- 16.1 Information for the Trustees, the Managing Agent and/or employees is contained in this policy document and other materials made available by the Information Officer.
- 16.2 The Information Officer shall ensure that all persons who have access to any kind of personal information shall have their responsibilities outlined during their induction procedures.
- 16.3 JPS Trust (Pty) Ltd shall provide opportunities for the Trustees, the Managing Agent and/or employees to explore POPI Act issues through training, meetings, and supervision.
- 16.4 JPS Trust (Pty) Ltd shall ensure that the Trustees, the Managing Agent and/or employees sign acceptance of this policy once they have had a chance to understand the policy and their responsibilities in terms of the policy and the POPI Act.

17. POLICY REVIEW

- 17.1 The Information Officer is responsible for an annual review to be completed prior to or on the policy anniversary date.
- 17.2 The Information Officer shall ensure that relevant stakeholders are consulted as part of the annual review to be completed prior to or on the policy anniversary date.

APPROVED by the Director of the JPS Trust (Pty) Ltd on 28 June 2021.

I, the undersigned, confirm that I have read and understand the contents of this document and that I am aware of my duties in respect thereof.

MARITHA ELEONORA MOOLMAN

DIRECTOR NAME AND SURNAME



SIGNATURE