

# DATA PRIVACY POLICY

Last Updated: 30 June 2021

## 1. DEFINITIONS

- 1.1. “**Personal Information**” refers to any information relating to an identifiable, living, natural person (and existing juristic persons, where applicable), including information relating to:
- 1.1.1. Race, gender, sex, pregnancy, marital status, mental health, well-being, disability, religion, belief, culture, language and birth;
  - 1.1.2. Education, medical, financial, criminal or employment; Identity number, electronic and physical addresses, telephone numbers and on-line identifiers;
  - 1.1.3. Biometric information; Personal opinions, views or preference; and
  - 1.1.4. Correspondence sent by a person implicitly or explicitly of a personal nature or confidential.
- 1.2. “**Special Personal Information**” refers to information regarding a person's religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric information or criminal behaviour.

## 2. INTRODUCTION

This privacy policy sets out the basis on which any personal and special information we collect from you (customer, stakeholder, contractor, visitor, supplier and/or service provider to Faircape) or that you provide to us, will be used, stored and processed by us, and also includes the collection of personal information or data from the use of our website. Read the following carefully to understand our practices regarding your personal information and how we will process it.

In adopting this privacy policy, we wish to assure you that the use of your personal information is lawful, reasonable, and relevant to our activities as a company. We will take reasonable steps to prevent unauthorised access to, or disclosure of your personal information. However, we cannot guarantee that your personal information shall be secure, despite our best efforts to protect it as required in law.

By interacting with us in person, by mail or electronic communication or by using our website, you agree to the terms and conditions set out in this privacy policy.

Below we explain how and when we collect and use personal information. If at any time you have enquiries that are not dealt with in this document, please visit our website at [www.fms.co.za](http://www.fms.co.za) or contact our Information Officer:

Name : [Maritza Botha](#)  
Contact Number : +27 21 815 5700  
Contact email address : enquiries@faircape.co.za

### **3. THE INFORMATION WE COLLECT AND RECORD**

3.1. When any new customer, contractor, visitor, supplier or service provider is required to provide us with data, we may request, receive, store and record many details that are defined as 'personal information' and/or 'special personal information' in POPIA. This includes your:

3.1.1. Full name;

3.1.2. Contact Details, such as your email address and telephone number;

3.1.3. Company /trust name, company/trust registration number, and VAT number (if applicable);

3.1.4. Postal address or street address;

3.1.5. Drivers Licence information;

3.1.6. Financial Information;

3.1.7. Biometric Information; and

3.1.8. Username and password (where applicable).

3.2. When you enter our offices for any reason, there may be information required to give you access including your name, identity number, telephone number and driver's licence details. In addition we may automatically process CCTV footage of you during your entrance into the premises.

- 3.3. We use Cookies and similar technologies to track visitor activity on our Website to improve and analyse our service. Read more about it in our website terms and conditions.

We collect and record only the minimum personal information that is required for us to effectively operate and manage our business. In doing so, we comply with POPIA in that we implement reasonable practices to ensure the private information is protected.

#### **4. YOUR PERSONAL INFORMATION WILL BE USED OR SHARED IN THE FOLLOWING WAYS**

- 4.1. We keep your personal information confidential and only use, process, share, record or delete it as is required by POPIA, other legislation and/or in fulfilment of any terms of an agreement.
- 4.2. We may share certain information with service providers as part of our operations and only if these service providers have undertaken to protect the personal information that we share with them for a particular purpose. We only share such personal information as is required for the purposes of performing the task(s) we are mandated to perform.
- 4.3. We may use your personal information to provide management and / or to provide or promote other services or goods to you by us or any of our associated companies or service providers. In addition we will use your personal information as is required by legislation including but not limited to the Sectional Title Schemes Management Act 8 of 2011.

#### **5. OTHER INTERACTION WITH YOUR PERSONAL INFORMATION**

- 5.1. POPIA requires us to ensure that we hold correct and updated personal information and, hence, we may need to update your personal information from time to time, and request your assistance in doing so. The request will be sent via email or otherwise, whatever is most reasonable in the circumstances.
- 5.2. We will:
  - 5.2.1. not sell or give your personal information away, use it, other than in terms of this policy;

5.2.2. retain the personal information only for as long as we are required by law to do so.

## **6. YOUR RIGHTS**

6.1. You may at any time request us to confirm what personal information we have in our possession relating to you and how, if at all, it is used.

6.2. You may request confirmation as to who has accessed your information. In this case, a reasonable fee, as prescribed, may be charged by Faircape for this request.

6.3. You may ask us to update or delete your information or to refrain from using it.

6.3.1. We may refuse to delete information if:

6.3.1.1. such deletion would compromise an obligation in law that is imposed on us and which requires us to keep the information for a determined period; or

6.3.1.2. would otherwise impact on our ability to render the services in the ordinary course of business; or

6.3.1.3. if we need your personal information to protect our rights.

6.3.2. In these circumstances, if we refuse to delete your personal information, we will advise you of the fact that we did not delete the personal information and provide you with a reason therefore.

6.3.3. Should any damage arise to you from your request in these circumstances, you indemnify us against any claim for damages that may follow as a result hereof.

6.4. You may unsubscribe from any of our electronic material by simply clicking on the unsubscribe option provided. In that event, we will remove your details from the recipient list.

6.5. For assistance to exercise your rights as explained in this paragraph, contact our Information Officer whose details appear in paragraph 1

hereof.

## **7. SECURITY BREACH**

- 7.1. Although absolute security cannot be guaranteed whether in respect of our physical data storage or any data stored electronically, we have in place up-to-date, reasonable technical and organisational security measures to protect your personal information against accidental or intentional manipulation, loss, misuse, destruction or against unauthorised disclosure or access to the information we collect online.
- 7.2. However, should a breach occur, we will ascertain how and where the breach occurred and make sure that the exposed area is addressed immediately.
- 7.3. We will ascertain which data has become vulnerable as a result and notify you if the breach may affect you and assist you to minimize any potential damages that you may suffer as a result, where possible. Such notification may take place by way of email to you, or by way of notice on our website, or otherwise.
- 7.4. Thus, while we cannot ensure or warrant the security of any personal information you provide to us, we will continue to maintain and improve these security measures over time in line with legal and technological developments.

## **8. TYPES OF PERSONAL INFORMATION WE COLLECT**

The types of personal information that we may collect includes information necessary to provide our services and to manage our business. It includes personal information and in some instances, special personal information.

## **9. STORING YOUR PERSONAL INFORMATION**

- 9.1. We utilise Google Drive (a storage and synchronization service developed by Google) to electronically store your personal information.
- 9.2. Where we require any information in hardcopy, such hardcopies will be securely stored at our registered address and / or an appropriate storage facility, within South Africa.
- 9.3. Your information will not be stored for longer than is necessary for the

purposes described in this privacy policy.

## **10. CHANGES TO THIS PRIVACY POLICY**

- 10.1. From time to time, we may revise this privacy policy to reflect Faircape's initiatives, changes in the law or technology or changes in our practices regarding the collection and use of personal information. If we decide to change this privacy policy, the revised policy will appear on our Website so that you can always access the latest version.