

PRIVACY POLICY

Sandak-Lewin Property Trust (Pty) Ltd

Registration Number: 2010/009967/07

1. Introduction

Sandak-Lewin Property Trust (Pty) Ltd (“we”, “us”, “our” or “Sandak-Lewin”) is committed to protecting the privacy of every person whose personal information we process. We provide property management services to community schemes and rental properties, together with sales and rental services to prospective buyers, sellers, landlords and tenants. In doing so, we collect and process personal information about clients, prospective clients, trustees, owners, tenants, suppliers, employees and visitors to our website.

This Privacy Policy explains what personal information we collect, how we use it, who we share it with, how we protect it, and what your rights are. It is to be read together with our Promotion of Access to Information Act (“PAIA”) Manual, which is available on request and on our website.

We process personal information in accordance with the Protection of Personal Information Act 4 of 2013 (“POPIA”), the Promotion of Access to Information Act 2 of 2000 (“PAIA”) and other applicable South African laws.

2. Definitions

“Personal Information” means information relating to an identifiable, living, natural person and, where applicable, an identifiable, existing juristic person, as defined in POPIA.

“Special Personal Information” means personal information concerning 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, as defined in section 26 of POPIA.

“Data Subject” means the person to whom the personal information relates.

“Operator” means a person who processes personal information on our behalf in terms of a contract or mandate, without coming under our direct authority.

“Processing” has the meaning given to it in POPIA, and includes the collection, receipt, recording, organisation, storage, updating, retrieval, use, dissemination, distribution, erasure or destruction of personal information.

3. Information Officer

In accordance with section 55 of POPIA, our Information Officer is:

Name: David Rebe

Designation: CEO

Email: david.rebe@sltrust.co.za

Telephone: (021) 419-0440

Postal address: PO Box 2624, Cape Town, 8001

Our Information Officer is registered with the Information Regulator and is responsible for ensuring that we comply with POPIA. Any queries, requests or complaints relating to your personal information should be directed to the Information Officer.

4. Personal Information We Collect

Depending on your relationship with us, we may collect the following categories of personal information:

4.1 Identification and contact information

- Full name and surname
- Identity or passport number
- Date of birth
- Marital status and nationality
- Residential, postal and service addresses
- Telephone, mobile and fax numbers
- Email addresses

4.2 Financial and transactional information

- Banking details and proof of payment
- Income, employment and affordability information (where required for rental or credit assessments)
- Credit history and credit check outcomes
- Levy, rental and arrears information
- Insurance information
- Accounting and tax records, including audited financial statements

4.3 Property and tenancy information

- Property ownership details, title deeds and sectional title information
- Lease agreements and tenancy history
- Trustee, body corporate and homeowners' association records
- Maintenance, complaint and incident records

4.4 Special personal information

In limited circumstances we may process special personal information, such as biometric information (for example, where access control or identity verification is required for a managed property). We process special personal information only where this is permitted by section 27 of POPIA, including with your consent or where it is necessary to establish, exercise or defend a right or obligation in law.

4.5 Website and electronic information

- IP address, browser type and version, operating system and device information
- Pages viewed, time spent on the website, referring URLs and similar usage data
- Information collected through cookies and similar technologies (see section 8 below)

4.6 Information from third parties

We may receive personal information about you from third parties, including credit bureaus, fraud prevention agencies, previous landlords or managing agents, attorneys, conveyancers, deeds office records, and publicly available sources, where this is lawful and necessary.

5. Purpose and Lawful Basis for Processing

We process personal information only for specific, explicitly defined and lawful purposes related to our business. The purposes include:

- Providing property management, sales and rental services
- Concluding and performing under sale, lease and management agreements
- Performing credit, affordability and reference checks for prospective tenants and purchasers
- Collecting levies, rentals and other amounts due, and managing arrears
- Communicating with clients, trustees, owners, tenants, suppliers and other stakeholders
- Convening and recording meetings of bodies corporate, homeowners' associations and trustees, including in accordance with the Sectional Titles Schemes Management Act 8 of 2011 and its prescribed management rules
- Maintaining accounting, tax and statutory records
- Complying with regulatory obligations under the Property Practitioners Act, the Financial Intelligence Centre Act (FICA), the Community Schemes Ombud Service Act, the Income Tax Act, and other applicable laws
- Responding to enquiries, complaints and disputes, including complaints to the Community Schemes Ombud Service (CSOS) or the Property Practitioners Regulatory Authority (PPRA)
- Recruiting, employing and managing staff
- Operating, maintaining and improving our website
- Detecting, preventing and addressing fraud, security incidents and unlawful activity

We rely on one or more of the following lawful bases under section 11 of POPIA when processing your personal information:

- Your consent
- The performance of, or entering into, a contract with you
- Compliance with a legal obligation imposed on us
- Protection of your legitimate interests
- The pursuit of our legitimate interests or those of a third party to whom information is supplied, balanced against your rights

6. Sharing of Personal Information

We do not sell personal information. We may, however, share personal information with the following categories of recipients, where this is necessary for the purposes set out above and is permitted by law:

- Trustees, directors and members of bodies corporate and homeowners' associations whose schemes we manage
- Owners, tenants and prospective tenants or purchasers, where reasonably required
- Attorneys, conveyancers, auditors, accountants and other professional advisors
- Credit bureaus and fraud prevention agencies
- Banks and financial institutions
- Insurance brokers and insurers
- Contractors and service providers (such as maintenance contractors, security providers and cleaning services) appointed in respect of properties we manage
- Regulators and statutory bodies, including the Property Practitioners Regulatory Authority (PPRA), the Community Schemes Ombud Service (CSOS), the Financial Intelligence Centre, the South African Revenue Service and the Information Regulator
- Courts, law enforcement agencies and other parties where required by law or to establish, exercise or defend legal rights
- Operators that provide services to us, such as IT, hosting, cloud storage, email, accounting, customer relationship management and communications providers

Where we share personal information with operators, we conclude written agreements requiring them to maintain the confidentiality and security of personal information in line with POPIA.

7. Cross-Border Transfers of Personal Information

Some of the service providers we use may store or process personal information outside South Africa. Where personal information is transferred outside South Africa, we comply with section 72 of POPIA. This means we will only transfer personal information to a country or recipient that:

- Is subject to laws, binding corporate rules or binding agreements that provide an adequate level of protection broadly in line with POPIA;

- Is necessary for the performance of a contract between you and us, or for the implementation of pre-contractual measures taken in response to your request;
- Is necessary for the conclusion or performance of a contract concluded in your interest with a third party; or
- Is undertaken with your consent.

On request to our Information Officer, we will provide further information about the safeguards that apply to a particular transfer.

8. Cookies and Website Tracking

Our website uses cookies and similar technologies. Cookies are small text files placed on your device that allow the website to recognise you and remember your preferences. We use:

- Strictly necessary cookies, which are essential for the website to function;
- Functional cookies, which remember your preferences and settings;
- Analytics cookies, which help us understand how visitors use our website so that we can improve it.

You can set your browser to refuse some or all cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of the website may become inaccessible or not function properly.

9. Retention of Personal Information

We retain personal information only for as long as is necessary to fulfil the purpose for which it was collected, or for longer where the law requires or permits us to do so. Retention periods are determined with reference to:

- The Property Practitioners Act and its predecessor legislation (which require certain records to be retained for at least five years)
- The Income Tax Act and Tax Administration Act (which require accounting records to be retained for at least five years)
- The Financial Intelligence Centre Act (which requires customer due diligence records to be retained for at least five years from termination of the business relationship)
- The Sectional Titles Schemes Management Act and its prescribed management rules
- The Basic Conditions of Employment Act and Labour Relations Act (in respect of employee records)
- Any other applicable law, contract or legitimate business need

Once personal information is no longer required, we will destroy or de-identify it in a manner that prevents its reconstruction in an intelligible form.

10. Security Safeguards

We take the security of personal information seriously and have implemented appropriate, reasonable technical and organisational measures to safeguard it against loss, damage, unauthorised access, destruction and unlawful processing. Our measures include:

- Access controls, password protection and role-based permissions
- Firewalls, anti-virus software and network monitoring
- Encryption of data in transit and, where appropriate, at rest
- Secure cloud storage with reputable service providers
- Confidentiality undertakings from staff and operators
- Staff training on data protection and information security
- Physical security measures at our offices

Despite these measures, no method of transmission over the internet or method of electronic storage is completely secure, and we cannot guarantee absolute security. We regularly review our safeguards and update them in response to new risks and changes in technology.

11. Notification of Security Compromises

In the event that we have reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by an unauthorised person, we will notify the Information Regulator and the affected data subject as soon as reasonably possible, in accordance with section 22 of POPIA, unless the identity of the data subject cannot be established or such notification would impede a criminal investigation.

12. Your Rights as a Data Subject

Under sections 23 to 25 of POPIA, you have the following rights in relation to your personal information:

- To be notified that your personal information is being collected, or has been accessed or acquired by an unauthorised person
- To request confirmation, free of charge, of whether we hold personal information about you
- To request access to the personal information we hold about you (subject to the prescribed PAIA fees)
- To request the correction, deletion or destruction of personal information that is inaccurate, irrelevant, excessive, outdated, incomplete, misleading or obtained unlawfully
- To object, on reasonable grounds, to the processing of your personal information
- To object to the processing of your personal information for purposes of direct marketing
- To withdraw consent that you have previously given, where processing is based on consent

- Not to be subject to a decision based solely on automated processing that has legal or similarly significant consequences for you
- To submit a complaint to the Information Regulator

To exercise any of these rights, please contact our Information Officer using the details in section 3. Requests for access to records held by us are dealt with under our PAIA Manual. Please note that withdrawing consent or objecting to processing may affect our ability to provide services to you.

13. Direct Marketing

We may from time to time send direct marketing communications to existing clients about our services, property listings or related matters that we believe may be of interest, in accordance with section 69 of POPIA and the Consumer Protection Act 68 of 2008.

Every direct marketing communication we send will include a clear, free and easy method to opt out. If you no longer wish to receive marketing communications from us, you may opt out at any time by following the instructions in the communication or by contacting our Information Officer.

We do not send unsolicited electronic marketing communications to data subjects who are not existing clients without their prior consent.

14. Children's Personal Information

We do not knowingly collect personal information of children under the age of 18 without the consent of a competent person (such as a parent or legal guardian). Where the personal information of a child is processed in the course of our services (for example, as part of a tenant's family information), we do so only where it is necessary and lawful, and we take additional care to safeguard such information.

15. Complaints

If you believe we have processed your personal information unlawfully, or you are unhappy with the way we have handled a request or complaint, you have the right to lodge a complaint with the Information Regulator at:

The Information Regulator (South Africa)

JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

PO Box 31533, Braamfontein, Johannesburg, 2017

General enquiries: enquiries@inforegulator.org.za

POPIA complaints: POPIAComplaints@inforegulator.org.za

PAIA complaints: PAIAComplaints@inforegulator.org.za

Website: www.inforegulator.org.za

We would, however, appreciate the opportunity to address your concerns directly before you approach the Information Regulator. Please contact our Information Officer in the first instance.

16. Links to Other Websites

Our website may contain links to websites operated by third parties. We are not responsible for the privacy practices or the content of those websites. We encourage you to read the privacy policies of any third-party websites you visit.

17. Changes to this Privacy Policy

We may update this Privacy Policy from time to time to reflect changes in our business, in technology, or in the law. The current version will always be available on our website, and material changes will be communicated where appropriate. Your continued use of our services or our website after any changes are posted will constitute your acknowledgement of the updated Policy.

18. Contact Us

If you have any questions about this Privacy Policy or how we handle your personal information, please contact our Information Officer:

David Rebe

Sandak-Lewin Property Trust (Pty) Ltd

64 Roeland Square, Drury Lane, Gardens, 8001

PO Box 2624, Cape Town, 8001

Email: david.rebe@sltrust.co.za

Telephone: (021) 419-0440

This Privacy Policy should be read together with our PAIA Manual and Website Terms of Use.