

# **PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (POPI) POLICY**

Update Version 112024

## **1. Introduction**

The Protection of Personal Information Act 4 of 2013 (POPI) has been promulgated to give effect to and safeguard every persons constitutional right to privacy by balancing this right to privacy versus the necessary access to information.

We recommend that you read the entire Protection of Personal Information Act 4 of 2013 (POPI) as this policy only highlights certain aspects thereof.

POPI therefore, to give effect to the above, provides, inter alia, the following:

### ***5 Rights of data subjects***

*A data subject has the right to have his, her or its personal information processed in accordance with the conditions for the lawful processing of personal information as referred to in Chapter 3, including the right-*

- (a) to be notified that-*
  - (i) personal information about him, her or it is being collected as provided for in terms of section 18; or*
  - (ii) his, her or its personal information has been accessed or acquired by an unauthorised person as provided for in terms of section 22;*
- (b) to establish whether a responsible party holds personal information of that data subject and to request access to his, her or its personal information as provided for in terms of section 23;*
- (c) to request, where necessary, the correction, destruction or deletion of his, her or its personal information as provided for in terms of section 24;*
- (d) to object, on reasonable grounds relating to his, her or its particular situation to the processing of his, her or its personal information as provided for in terms of section 11 (3) (a);*
- (e) to object to the processing of his, her or its personal information-*
  - (i) at any time for purposes of direct marketing in terms of section 11 (3) (b); or*
  - (ii) in terms of section 69 (3) (c);*

- (f) *not to have his, her or its personal information processed for purposes of direct marketing by means of unsolicited electronic communications except as referred to in section 69 (1);*
- (g) *not to be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of his, her or its personal information intended to provide a profile of such person as provided for in terms of section 71;*
- (h) *to submit a complaint to the Regulator regarding the alleged interference with the protection of the personal information of any data subject or to submit a complaint to the Regulator in respect of a determination of an adjudicator as provided for in terms of section 74; and*
- (i) *to institute civil proceedings regarding the alleged interference with the protection of his, her or its personal information as provided for in section 99.*

## **11 Consent, justification and objection**

(1) *Personal information may only be processed if-*

- (a) *the data subject or a competent person where the data subject is a child consents to the processing;*
  - (b) *processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party;*
  - (c) *processing complies with an obligation imposed by law on the responsible party;*
  - (d) *processing protects a legitimate interest of the data subject;*
  - (e) *processing is necessary for the proper performance of a public law duty by a public body; or*
  - (f) *processing is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied.*
- (2) (a) *The responsible party bears the burden of proof for the data subject's or competent person's consent as referred to in subsection (1) (a).*
- (b) *The data subject or competent person may withdraw his, her or its consent, as referred to in subsection (1) (a), at any time: Provided that the lawfulness of the processing of personal information before such withdrawal or the processing of personal information in terms of subsection (1) (b) to (f) will not be affected.*

- (3) *A data subject may object, at any time, to the processing of personal information-*
- (a) *in terms of subsection (1) (d) to (f), in the prescribed manner, on reasonable grounds relating to his, her or its particular situation, unless legislation provides for such processing; or*
  - (b) *for purposes of direct marketing other than direct marketing by means of unsolicited electronic communications as referred to in section 69.*
- (4) *If a data subject has objected to the processing of personal information in terms of subsection (3), the responsible party may no longer process the personal information.*

## **12 Collection directly from data subject**

- (1) *Personal information must be collected directly from the data subject, except as otherwise provided for in subsection (2).*
- (2) *It is not necessary to comply with subsection (1) if-*
- (a) *the information is contained in or derived from a public record or has deliberately been made public by the data subject;*
  - (b) *the data subject or a competent person where the data subject is a child has consented to the collection of the information from another source;*
  - (c) *collection of the information from another source would not prejudice a legitimate interest of the data subject;*
  - (d) *collection of the information from another source is necessary-*
    - (i) *to avoid prejudice to the maintenance of the law by any public body, including the prevention, detection, investigation, prosecution and punishment of offences;*
    - (ii) *to comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue as defined in section 1 of the South African Revenue Service Act, 1997 (Act 34 of 1997);*
    - (iii) *for the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated;*
    - (iv) *in the interests of national security; or*
    - (v) *to maintain the legitimate interests of the responsible party or of a third party to whom the information is supplied;*

- (e) *compliance would prejudice a lawful purpose of the collection; or*
- (f) *compliance is not reasonably practicable in the circumstances of the particular case.*

### **13 Collection for specific purpose**

- (1) *Personal information must be collected for a specific, explicitly defined and lawful purpose related to a function or activity of the responsible party.*
- (2) *Steps must be taken in accordance with section 18 (1) to ensure that the data subject is aware of the purpose of the collection of the information unless the provisions of section 18 (4) are applicable*

### **18 Notification to data subject when collecting personal information**

- (1) *If personal information is collected, the responsible party must take reasonably practicable steps to ensure that the data subject is aware of-*
  - (a) *the information being collected and where the information is not collected from the data subject, the source from which it is collected;*
  - (b) *the name and address of the responsible party;*
  - (c) *the purpose for which the information is being collected;*
  - (d) *whether or not the supply of the information by that data subject is voluntary or mandatory;*
  - (e) *the consequences of failure to provide the information;*
  - (f) *any particular law authorising or requiring the collection of the information;*
  - (g) *the fact that, where applicable, the responsible party intends to transfer the information to a third country or international organisation and the level of protection afforded to the information by that third country or international organisation;*
  - (h) *any further information such as the-*
    - (i) *recipient or category of recipients of the information;*
    - (ii) *nature or category of the information;*
    - (iii) *existence of the right of access to and the right to rectify the information collected;*

(iv) *existence of the right to object to the processing of personal information as referred to in section 11 (3);and*

(v) *right to lodge a complaint to the Information Regulator and the contact details of the Information Regulator, which is necessary, having regard to the specific circumstances in which the information is or is not to be processed, to enable processing in respect of the data subject to be reasonable.*

(2) *The steps referred to in subsection (1) must be taken-*

(a) *if the personal information is collected directly from the data subject, before the information is collected, unless the data subject is already aware of the information referred to in that subsection; or*

(b) *in any other case, before the information is collected or as soon as reasonably practicable after it has been collected.*

(3) *A responsible party that has previously taken the steps referred to in subsection (1) complies with subsection (1) in relation to the subsequent collection from the data subject of the same information or information of the same kind if the purpose of collection of the information remains the same.*

(4) *It is not necessary for a responsible party to comply with subsection (1) if-*

(a) *the data subject or a competent person where the data subject is a child has provided consent for the noncompliance;*

(b) *non-compliance would not prejudice the legitimate interests of the data subject as set out in terms of this Act;*

(c) *non-compliance is necessary-*

(i) *to avoid prejudice to the maintenance of the law by any public body, including the prevention, detection, investigation, prosecution and punishment of offences;*

(ii) *to comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue as defined in [section 1](#) of the South African Revenue Service Act, 1997 ([Act 34 of 1997](#));*

(iii) *for the conduct of proceedings in any court or tribunal that have been commenced or are reasonably contemplated; or in the interests of national security;*

(d) *compliance would prejudice a lawful purpose of the collection;*

(e) *compliance is not reasonably practicable in the circumstances of the particular case; or*

- (f) *the information will-*
  - (i) *not be used in a form in which the data subject may be identified;*  
*or*
  - (ii) *be used for historical, statistical or research purposes.*

## **23 Access to personal information**

(1) *A data subject, having provided adequate proof of identity, has the right to-*

- (a) *request a responsible party to confirm, free of charge, whether or not the responsible party holds personal information about the data subject; and*
- (b) *request from a responsible party the record or a description of the personal information about the data subject held by the responsible party, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information-*
  - (i) *within a reasonable time;*
  - (ii) *at a prescribed fee, if any;*
  - (iii) *in a reasonable manner and format; and*
  - (iv) *in a form that is generally understandable.*

(2) *If, in response to a request in terms of subsection (1), personal information is communicated to a data subject, the data subject must be advised of the right in terms of section 24 to request the correction of information.*

(3) *If a data subject is required by a responsible party to pay a fee for services provided to the data subject in terms of subsection (1) (b) to enable the responsible party to respond to a request, the responsible party-*

- (a) *must give the applicant a written estimate of the fee before providing the services; and*
- (b) *may require the applicant to pay a deposit for all or part of the fee.*

(4) (a) *A responsible party may or must refuse, as the case may be, to disclose any information requested in terms of subsection (1) to which the grounds for refusal of access to records set out in the applicable sections of Chapter 4 of Part 2 and Chapter 4 of Part 3 of the Promotion of Access to Information Act apply.*

(b) *The provisions of sections 30 and 61 of the Promotion of Access to Information Act are applicable in respect of access to health or other records.*

*(5) If a request for access to personal information is made to a responsible party and part of that information may or must be refused in terms of subsection (4) (a), every other part must be disclosed.*

## **24 Correction of personal information**

*(1) A data subject may, in the prescribed manner, request a responsible party to-*

- (a) correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or*
- (b) destroy or delete a record of personal information about the data subject that the responsible party is no longer authorised to retain in terms of section 14.*

*(2) On receipt of a request in terms of subsection (1) a responsible party must, as soon as reasonably practicable-*

- (a) correct the information;*
- (b) destroy or delete the information;*
- (c) provide the data subject, to his or her satisfaction, with credible evidence in support of the information; or*
- (d) where agreement cannot be reached between the responsible party and the data subject, and if the data subject so requests, take such steps as are reasonable in the circumstances, to attach to the information in such a manner that it will always be read with the information, an indication that a correction of the information has been requested but has not been made.*

*(3) If the responsible party has taken steps under subsection (2) that result in a change to the information and the changed information has an impact on decisions that have been or will be taken in respect of the data subject in question, the responsible party must, if reasonably practicable, inform each person or body or responsible party to whom the personal information has been disclosed of those steps.*

*(4) The responsible party must notify a data subject, who has made a request in terms of subsection (1), of the action taken as a result of the request.*

## **2. What information do we process?**

Your personal information includes not only information you provide to us but also information we collect automatically when you visit our website and is defined in POPI as follow:

*'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-*

- (a) 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;*
- (b) information relating to the education or the medical, financial, criminal or employment history of the person;*
- (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;*
- (d) the biometric information of the person;*
- (e) the personal opinions, views or preferences of the person;*
- (f) 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;*
- (g) the views or opinions of another individual about the person; and*
- (h) 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;*

You may only send us your own personal information or someone else's personal information if you have their permission to do so and in which respect you warrant that you are the authorised agent and / or representative of the other person(s) and indemnify us for an processing of personal information provided by you to us.

We may use your personal information to provide you with targeted content through our website in a completely automated process.

We may monitor and record any telephone calls that you make to us, unless you specifically request us not to.



We shall only process personal information that is necessary for the stated purpose and no more than necessary.

Your personal information will be processed for, inter alia,:

- (a) to identify you and to verify your risk;
- (b) to gather contact information;
- (c) to process and evaluate (financially and otherwise) your offer to lease;
- (d) for any and all decisions relating to the letting of property;
- (e) to investigate, process and resolve any issues in respect of yourself and / or the properties;
- (f) for audit and statistical purposes and to provide you with the above any and all services relating to the properties;
- (g) for the purposes of the day to day operations of the companies;
- (h) to confirm and verify your identity or to verify that you are an authorised user for security purposes;
- (i) for the detection and prevention of fraud, crime, money laundering or other malpractice;
- (j) to conduct market or customer satisfaction research or for statistical analysis;
- (k) in connection with legal proceedings;
- (l) to sending newsletters.

### **3. Processing, storing and securing of information**

We take the necessary reasonable measures to ensure that personal information, in both physical and electronic form, is subject to an appropriate level of security when processed and communicated which security is reviewed as required by circumstance. You shall be notified in the event of a security breach. We cannot guarantee the security of information you or your appointed agent provide to us through any means and you do so at your own risk. We retain your personal information for as long as it is necessary for legitimate business purposes and to meet legal and regulatory requirements. We use various mediums to interact and process information.

We may, from time to time, store, transfer and process personal information in and to countries outside of the Republic of South Africa. We shall take all

reasonable steps to necessary to ensure that any personal information transferred outside of the Republic of South Africa is protected and is processed as required by POPI and the applicable data protection laws in that country. We record that by providing your personal information to us, you, in terms of the POPI Act, consent to the recordal, transfer, processing or storage of your personal information, including biometric information, inside and outside of the Republic of South Africa and acknowledge that we have a legitimate interest in doing so. We record that by providing your personal information to us, you, in terms of the POPI Act consent to the retention of the personal information for a period of three years after the termination of the agreement between the parties.

The personal information:

- (a) is necessary to carry out actions for the conclusion or performance of the lease agreement;
- (b) complies with an obligation imposed by law on us;
- (c) protects a legitimate interest of you; or
- (d) is necessary for pursuing the legitimate interests of us or a third party to whom the personal information is supplied.

#### **4. Sharing of personal information**

Your personal information will be kept confidential but may be lawfully shared with third parties such as, but not necessarily limited to:

- (a) Brokers
- (b) Our Insurers
- (c) Re-insurers
- (d) Service Providers
- (e) Governmental bodies
- (f) Credit Rating Agencies
- (g) Banking institutions
- (h) Potential purchasers
- (i) Metrofile and other storage facilities
- (j) attorneys and collection agencies

(k) credit bureaus

## **5. Objection or correction to processing or destruction of your information**

You are requested to consent to our processing and sharing of your personal information as well as any other information that you provide to the us for the purposes of this lease agreement and the conducting of our letting enterprise. Should you not respond and / or provide your personal information, including biometric information, you consent for us to process and share your personal information is implied. Should you not consent, you understand that withholding consent or failure to disclose personal information will result in us being unable to let property to you as well as perform functions and/or any services and/or benefits you may require. You also indemnify us and hold us harmless in respect of any claims against us and you will not hold us responsible for any improper or unauthorised use of personal information that is beyond our reasonable control.

You may withdraw consent to the processing of personal information and / or the receipt of marketing material at any time, and should you wish to do so, you must provide us with reasonable notice to this effect. Please note that withdrawal of consent is still subject to the terms and conditions of any contract that is in place. Further, please note that the withdrawal of consent is not retrospective.

Should you wish to withdraw your consent, correct or delete or destroy personal information or question the legality of our processing your personal information or wish to confirm what information we hold for you, please direct your enquiry or objection to our information officer by email on the form below.

## **6. Information Officer**

Mr RJ Smallie  
[westlake@storageland.co.za](mailto:westlake@storageland.co.za)  
021 – 701 3000

## **7. The Information Regulator**

We would appreciate the opportunity to address any complaints regarding our processing of your personal information, however, you have right to complain to the Information Regulator who can be contacted on:

The Information Regulator (South Africa), JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001 P.O. Box 31533, Braamfontein, Johannesburg. 2017 Complaints e-mail: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za) General enquiries e-mail: [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za)