

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

### Introduction

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

The Protection of Personal Information Act 4 of 2013 (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 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 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

### **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 competent person where the data subject is a child has provided consent for the non-compliance;
  - (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
    - (iv) 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

## ENTITIES

The entities below own and manage various game lodges and hotels  
This POPI Policy is applicable to the following legal entities:

Stand 188 Ferndale Ext 11 (Pty) Ltd
Zemvelo Adventures (Pty) Ltd
Askari Lodge (Pty) Ltd

### 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.

You may only send us your own personal information or someone else's personal information if you have their permission to do so.

We may use your personal information to provide you with targeted content through our website or application 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:

- (a) to identify you and to verify your risk
- (b) to gather contact information
- (c) to process and evaluate (financially and otherwise) your booking and stay at one of our properties
- (d) for any and all decisions relating to the stay at one of our properties
- (e) to investigate, process and resolve any issues in respect of yourself and/or the properties or your stay at one of our 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, offers and the like

### 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.

### 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) Reinsurers
- (d) Service Providers
- (e) Governmental Bodies
- (f) Credit Rating Agencies
- (g) Banking Institutions

- (h) Potential Purchasers
- (i) Booking Agents

Objection or correction to processing or destruction of your information

Through reading this statement you are requested to consent to the companies processing and sharing your personal information. Should you not respond, your consent for the companies 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 the companies being unable to perform their functions and/or any services or benefits you may require from them. You also indemnify the companies harmless in respect of any claims against the companies and you will not hold the companies responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.

You may withdraw consent to the processing of personal information at any time, and should you wish to do so, you must provide the companies 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 retroactive.

Should you 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.

Information Officer:  
Sarie van der Veen  
011-431 4092  
[sarie@plumariigroup.co.za](mailto:sarie@plumariigroup.co.za)

The Information Regulator

We would appreciate the opportunity to address any complaints regarding our processing your Personal Information, however, you have the 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 email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)  
General enquiries email: [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za)

PLEASE SEE FORM BELOW

Personal Information Request, Objection, Correction, Withdrawal or Destruction Form

Note:

1. If the space provided in this form is insufficient, please prepare and securely attach hereto additional pages as an annexure and clearly identify same on the form and the additional pages
  
2. Please select:
  - Request information in our possession
  - Objection to the processing of personal information
  - Correction of the personal information
  - Withdrawal of personal information
  - Destruction or deletion of personal information

**A DETAILS**

Name and Surname / Registered Name	
Identity / Company Registration / Trust / Sectional Title Number	
Residential or Business Address	
Contact Numbers	
Email Address	

**B DETAILS OF RESPONSIBLE PARTY**

Name and Surname / Registered Name of Responsible Party
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**C REASONS FOR REQUEST / OBJECTION / CORRECTION / WITHDRAWAL / DELETION**

Reasons for objection / correction / withdrawal / deletion in terms of Section 11 (1) (d) to (f) or Section 24 (1) (a) (Please provide detailed reasons)
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**D INFORMATION OBJECTED TO / CORRECTION REQUIRED / DELETION REQUIRED**

**E DECLARATION**

The information contained herein is to the best of my belief both true and correct

Signed at ..... Date .....

Signature of date / subject / designated person

(PLEASE INITIAL BOTH PAGES OF THE FORM)