



THE BRICKWORKS MANAGEMENT ASSOCIATION (RF)

NON-PROFIT COMPANY

(Registration No: 2022/460573/08)

BMA POPIA POLICY

1. Purpose:

- 1.1. The purpose of this Policy is to regulate the lawful collection, processing, storage, use, and disclosure of personal information and special personal information (Information) by BMA, in compliance with the Protection of Personal Information Act, 4 of 2013 (POPIA).
- 1.2. This Policy further:
 - 1.2.1. establishes internal governance and controls;
 - 1.2.2. aligns BMA's operational practices with its public-facing privacy commitments; and
 - 1.2.3. Regulates the use of CCTV and drone surveillance systems.

2. Scope:

- 2.1. This Policy applies to:
 - 2.1.1. All Information processed (as that term is used and defined in POPIA) by BMA;
 - 2.1.2. The use of all operational systems by BMA, including but not limited to:
 - 2.1.2.1. communication databases;
 - 2.1.2.2. access control systems;
 - 2.1.2.3. CCTV surveillance; and
 - 2.1.2.4. drone/aerial surveillance.
- 2.2. It applies to BMA representatives and employees, including but not limited to:
 - 2.2.1. board members;
 - 2.2.2. employees;
 - 2.2.3. service providers (including drone operators); and

2.2.4. security personnel.

3. Guiding Principles

3.1. BMA shall process Information in a manner which is consistent with POPIA principles, such as, to:

- 3.1.1 process the Information lawfully and in a reasonable manner that does not infringe the right to privacy of the data subject (as that term is used and defined in POPIA) whose information is being processed;
- 3.1.2 process the Information for a specific, explicitly defined and lawful purpose related to the function or activity of BMA
- 3.1.3 process the Information only if, given the purpose for which it is processed, it is adequate, relevant and not excessive and if:
 - 3.1.3.1. the data subject whose Information will be processed has consented to its Information being processed;
 - 3.1.3.2. it is necessary to process the Information to carry out actions for the conclusion or performance of a contract to which the data subject whose Information will be processed is a party; or
 - 3.1.3.3. it is necessary to process the Information to comply with an obligation imposed by law on BMA or to protect a legitimate interest of BMA and/or the data subject whose Information will be processed;
- 3.1.4. take reasonable steps to ensure that the data subject whose Information will be processed is aware of the Information that will be processed, the source from which that Information will be collected and the purpose for which that Information will be processed;
- 3.1.5. take reasonable steps to that the Information that is processed is complete, accurate, not misleading and updated where necessary;
- 3.1.6. take reasonable technical and organizational measures to secure the integrity and confidentiality of Information that is processed so as to prevent the loss, damage or unauthorised destruction of Information and the unlawful access to or processing of Information; and
- 3.1.7. take reasonable steps to ensure that the data subject whose Information will be processed is aware of its rights in and to its Information.

4. The Purpose for Processing

- 4.1. BMA will process Information for the purpose for which it is received by BMA, save that BMA will by means of the awareness and consent measures contemplated in this Policy, where appropriate and permissible, seek and obtain from its stakeholders consent to a particular qualitatively and quantitatively circumscribed purpose which will facilitate the processing by BMA of the Information.
- 4.2. Pursuant to clause 4.1, BMA will seek and obtain from its stakeholders consent for BMA collecting Information from its stakeholders and where necessary from any other source for the purpose of BMA conducting and furthering its business interests in general, and including, without limitation, for the purpose of executing any rights and obligations that it may have in relation to a stakeholder or any matter in respect of which a stakeholder and/or the Information applies, and the maintenance of reasonable, accurate and complete historical record keeping.

5. Source of Information

- 5.1. BMA will only process Information that it receives directly from a stakeholder, save where:
 - 5.1.1. the Information is public record or has deliberately been made public by the stakeholder;
 - 5.1.2. the stakeholder has consented to the collection by BMA of the Information from another source;
 - 5.1.3. the collection of Information from a source other than the stakeholder would not prejudice a legitimate interest of the stakeholder, is necessary to maintain or comply with an obligation imposed on BMA by law or to maintain the legitimate interests of BMA or the Information will be used for legal proceedings;
 - 5.1.4. it is not reasonably practicable in the circumstances of the particular case to collect the Information directly from a stakeholder, or to do so would prejudice a lawful purpose of the collection, or
 - 5.1.5. it has received the consent of a stakeholder to process Information about that stakeholder that it receives from another source, in which event it may process Information about a stakeholder that it receives from another source.

6. Awareness and Consent

- 6.1. BMA is required to ensure that its stakeholders are aware of the purpose for which their Information is being processed, the manner in which it will be processed and their rights in respect thereof. BMA will do this by:
 - 6.1.1. publishing a copy of this Policy on its website at: <https://thebrickworksma.co.za/>

- 6.1.2. making a copy of this Policy available for inspection at its principal place of business at 3 Salta Boulevard, Salta, Sibaya
- 6.1.3. using *bona fide* endeavours to communicate the existence of this Policy to those of its stakeholders whose Information BMA has processed prior to the date referred to in Section 114(1) of POPIA;
- 6.1.4. referring to this Policy in its recruitment and/or job advertisements;
- 6.1.5. incorporating this Policy by reference into, *inter alia*, the following documents:
 - 6.1.5.1. disclaimer notices;
 - 6.1.5.2. employment agreements;
 - 6.1.5.3. standard terms and conditions of trading;
 - 6.1.5.4. credit applications;
 - 6.1.5.5. quotations; and
 - 6.1.5.6. any other contracts or agreements that BMA may enter into with its stakeholders.
- 6.2. BMA will, where it is necessary or appropriate to do so, obtain the written consent of its stakeholders to process their Information in accordance with POPIA, *inter alia*, by:
 - 6.2.1. requesting its stakeholders to consent to the processing by BMA of their Information;
 - 6.2.2. requiring applicable stakeholders to sign any one or more of the documents contemplated in clause 6.1.5 of this Policy.
- 6.3. BMA will, by the measure set forth in this policy, and such other reasonable aligned measures as are appropriate, pursue a policy of acquiring positive consent from its stakeholders in terms of which they approve of the use of their information for a widened reasonable purpose, use and processing, and further processing.
- 6.4. In addition to the other measures contemplated in this policy, BMA will transmit to its stakeholders appropriate communications by which means it will inform its stakeholders of the provisions of this Policy and other related policies and by which means stakeholders will be requested to provide affirmative consent, and where appropriate and permissible, implied and/or tacit consent to the said widened reasonable purpose, use and processing, and further processing referred to in this policy.
- 6.5. BMA will in addition to the measures contemplated above, cause to be displayed upon its stationery (where practicable and appropriate) and upon its website, an assortment of appropriate communications in terms of which it informs stakeholders of the existence of this policy and the fact that BMA will process personal information in accordance with the tenets contained in this policy.
- 6.6. BMA will catalogue and store the record of consents that it obtains from its stakeholders.

7. Retention and safeguarding of Information

- 7.1. BMA is required to store, retain and secure the integrity and confidentiality of its stakeholders' Information by taking appropriate, reasonable technical and organisational measures to prevent the loss, damage or unauthorised destruction of their Information and to prevent any person from unlawfully accessing their Information.
- 7.2. BMA will accordingly secure the integrity and confidentiality of its stakeholders' Information, *inter alia*, by ensuring that:
 - 7.2.1. Information that is in printed form is dealt with only by those representatives of BMA who need to deal with that Information;
 - 7.2.2. Information that is in printed form is stored in a secure cabinet or facility when it is not being processed;
 - 7.2.3. all employees and officers of BMA who have access to or process Information keep their workstations tidy and free of Information which is not then being processed to ensure that any Information that is visible at workstations, and is not being processed, is not disseminated other than in accordance with the provisions of this Policy;
 - 7.2.4. all Information in electronic form is stored in a database that is protected from unauthorised access by appropriate hardware and software;
 - 7.2.5. any hardware on which Information is stored is secure and password protected;
 - 7.2.6. employees and officers of BMA will ensure that Information is not displayed upon their computer hardware when they are not themselves processing that Information on such hardware;
 - 7.2.7. where any device on which Information is stored is lost or stolen, the Information Officer is immediately notified and will use reasonable endeavours to attempt to recover and/or delete any Information stored upon that device.
- 7.3. BMA will review the Information that it processes and stores from time to time, and will destroy and/or delete any Information of its stakeholders that is no longer required for the purpose in clause 4 of this Policy, or that it is no longer authorised or obliged to retain.
- 7.4. In the event that it comes to the attention of BMA that its stakeholders' Information has been accessed, acquired or processed by any unauthorised person:
 - 7.4.1. the Information Officer will notify the applicable stakeholder or stakeholders and the Information Regulator as soon as reasonably possible; and
 - 7.4.2. BMA will comply with such directions as the Information Regulator may prescribe.

8. Disclosure of Information

- 8.1. BMA will not hold its stakeholders' Information as its own and will make no claim to ownership thereof, unless a Stakeholder agrees otherwise.
- 8.2. BMA will only disclose its stakeholders' Information to those of its employees and officers who need to know for the purpose described in clause 4 above and will not disclose Information to any third party unless the consent of the applicable Stakeholder to do so has been obtained.
- 8.3. Notwithstanding the provisions of clause 8.2 of this Policy, BMA may disclose its stakeholders' Information without first obtaining consent:
 - 8.3.1. if BMA deems it appropriate to disclose that Information to an operator (as that term is used and defined in POPIA) for the purpose in clause 4 of this Policy; and/or
 - 8.3.2. if BMA is required by any applicable law or any applicable regulator to disclose that Information.
- 8.4. BMA will not transfer the Information of any of its stakeholders to any third party in any country in which BMA operates, other than South Africa, unless:
 - 8.4.1. BMA has obtained the consent of the affected stakeholder to do so;
 - 8.4.2. the third party has agreed to process that Information on substantially the same terms as those recorded in this Policy and/or in any agreement entered into between BMA and the stakeholder;
 - 8.4.3. the transfer is necessary for the conclusion or performance of a contract between the stakeholder and BMA;
 - 8.4.4. the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the stakeholder between BMA and a third party; or
 - 8.4.5. the transfer is for the benefit of the stakeholder, and it is not reasonably practicable to obtain the consent of the stakeholder to that transfer or, if it were reasonably practicable to obtain such consent, the stakeholder would, in BMA's view, likely give it.

9. Information Quality

- 9.1. BMA is required to take reasonably practicable steps to ensure that the Information of its stakeholders that it processes is complete, accurate, not misleading and updated where necessary.
- 9.2. BMA will accordingly ask its stakeholders to verify the completeness and accuracy of the Information provided by them from time to time.

10. Unsolicited Information

In the event that a stakeholder makes Information available to BMA which is gratuitous and/or not required for the purpose referred to in clause 4, this Policy (save in respect of this clause 10) will not apply, and BMA will use its *bona fide* efforts to secure that Information, and proceed to delete, erase or destroy that Information as soon as practicable after its receipt.

11. Stakeholder Participation and Rights in and to its Information

11.1. Each stakeholder, after having provided adequate proof of identity to BMA, has the right to:

11.1.1. request that BMA confirms, free of charge, whether or not it holds Information about that stakeholder;

11.1.2. request the record of or a description of the Information that BMA holds about that stakeholder;

11.1.3. request that BMA correct or delete any Information in its possession or under its control about the stakeholder that is inaccurate, irrelevant, excessive, out of date, incomplete or misleading, or to destroy or delete a record of any Information about it that BMA is no longer authorised to retain;

11.1.4. withdraw its consent for BMA to process its Information at any time, but the withdrawal of consent will not affect:

11.1.4.1. the processing of its Information before the withdrawal of consent;

11.1.4.2. the processing of any of its Information that is required by BMA to comply with law and/or finalise the performance of any agreement that it has entered into with the stakeholder concerned.

11.2. Should any stakeholder wish to exercise any of the rights referred to above, it can do so by contacting the Information Officer who can be contacted in the manner described in clause 12 of this Policy, and the Information Officer will give effect to the stakeholder's request or withdrawal.

12. Information Officer

12.1. BMA will appoint an Information Officer.

12.2. The name and contact details of the Information Officer can be obtained by visiting BMA's website, or by sending an email to the following email address: jo@urbanmgt.co.za

12.3. The Information Officer will be responsible for, *inter alia*:

12.3.1. ensuring that BMA processes the Information of its stakeholders in a lawful and reasonable manner that does not unreasonably infringe its stakeholders' right to privacy;

- 12.3.2. providing regular training and support to the employees and officers of BMA who have access to or process Information, so that they can do so lawfully and in terms of this Policy;
- 12.3.3. creating awareness about the provisions of this Policy, including by way of the mechanisms contemplated in clause 6 of this Policy; and
- 12.3.4. ensuring that it applies due diligence in the monitoring of developments in relation to the law pertaining to protection of Information, and in amending and/or updating BMA's approach to such protection, including by way of updating and/or amending this Policy.
- 12.4. The Information Officer will be trained appropriately to give effect to this Policy, and will address any reasonable queries or concerns that any stakeholders may have regarding this Policy or the processing of their Information as contemplated in it.

13. Information Regulator

In the event that any of BMA's stakeholders has any queries or concerns that cannot be addressed by the Information Officer, the stakeholder has the right to contact the Information Regulator. The Information Regulator's details are as follows:

- Physical address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
- Postal address: P.O Box 31533, Braamfontein, Johannesburg, 2017
- Email address: complaints.IR@justice.gov.za and infoereg@justice.gov.za.

14. Status of Policy

This Policy has been adopted by and will apply to BMA.

15. Amendments

BMA may alter or amend this Policy or any part thereof at any time. BMA will use reasonable endeavours not to change this Policy too often, and to bring to its stakeholders' attention any material changes to it, but its stakeholders will be required to ensure that they keep up to date with the latest version of the Policy that is available on BMA's website and at BMA's principal place of business.