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# MOSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION

Association incorporated under section 21 of the Companies Act 1973 (as amended)

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## NEWSFLASH

30 June 2021

Home Owners  
Mossel Bay Golf Estate  
MOSEL BAY

Dear Home Owner

MOSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION (HOA): PROTECTION OF PERSONAL INFORMATION (POPI) ACT, 2013 (ACT NO. 4 OF 2013) AND REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

The Protection of Personal Information Act, 4 of 2013 (POPI Act) is a data protection privacy law which as its main function and objective, regulates and controls the processing of Personal Information by a Responsible Party.

The HOA, for the purposes of carrying out its business and related objectives, does and will from time to time, processes Personal Information belonging to a number of persons, including legal entities and individuals, who are referred to as Data Subjects under POPI Act.

The HOA is obligated to comply with POPI Act and the Data Protection conditions housed under POPI Act with respect to the processing of all and any Personal Information pertaining to all and any Data Subjects.

In order for the HOA to pursue its mandate and its related operational and business interests, the HOA may from time-to-time request third parties to process certain Personal Information on its behalf, which Personal Information it has obtained from its Data Subjects.

In terms of section 20 of POPI Act, if the HOA discloses Personal Information which it has collected from Data Subjects to another for the purpose of processing or further processing such Personal Information on its behalf, then any such processing must be subject to a written agreement concluded between the HOA and the Operator, which contractually obliges the Operator to:

- Comply with the provisions of POPI Act and the POPI Act processing conditions when processing such Personal Information on behalf of the HOA;
- Only process the Personal Information received from the HOA in accordance with the mandate or written instruction received from the HOA;
- Keep all the Personal Information held by the Operator on behalf of the HOA and / or belonging to the HOA Data Subjects, confidential;
- Put measures in place in order to keep all such Personal Information held by the Operator, and processed on behalf of the HOA confidential, safe and secure from misuse, abuse and / or unauthorised use or access.

During the HOA Board of Directors meeting held on 19 May 2021 it was decided to appoint Rauch / Gertenbach Attorneys to compile the documents required (as indicated hereunder) for the HOA to comply with the POPI Act legislation (including the associated regulations). Although the commencement date of the POPI Act was 1 July 2020, a 12-month grace period was applied. The deadline of this grace period is 30 June 2021.

Documents compiled include the following:

- Application for the consent of a data subject for the processing of personal information for the purpose of direct marketing;
- Complaint regarding interference with the protection of personal information;
- Objection to the processing of personal information;
- Request for correction or deletion of personal information or destroying or deletion of record of personal information;
- Application for the issue of a Code of Conduct;
- Consent Clause;
- Appointment of a POPI Information Officer;
- A concept Operator Agreement, and
- Mossel Bay Golf Estate HOA Data Protection and Information Sharing policy statement and manual.

The HOA shall only disclose personal information where required by law and will enter into an Operator Agreement when and where necessary to ensure the protection and safekeeping of your personal information.

Kind regards

Obo Mossel Bay Golf Estate HOA, Board of Directors