

THE WESTLAKE HOMEOWNERS ASSOCIATION (WHOA)
WESTLAKE COUNTRY & SAFARI ESTATE
POPI (Protection of Personal Information Act) Compliance

1. INTRODUCTION

- 1.1 Westlake Country & Safari Homeowners Association is a 'gated' and self-managed community services provider in South Africa ("Community Services").
- 1.2 In the provision of Community Services ("Levy & utility bills, maintenance of common property, provision of electricity & water and access & security services") to its members ("home owners and residents within the gated community known as Westlake Country & Safari Estate"), the WHOA makes use of information that identifies or relates specifically to natural persons ("home owners, contractual tenants, visitors, contractors, domestic workers and other service providers") including but not limited to financial information, name, age, identity number, assets and liabilities, income and payment records ("Personal Information"), biometric information ("fingerprints"), CCTV footage and Speed Sentry recordings. Broadly, the WHOA, in the provision of the service to its members and tenants, collects, collates, modifies, stores and distributes the Personal Information of such natural persons, (collectively referred to as "Processing").

2. COMPLIANCE ACTIONS TAKEN BY THE WHOA

- 2.1 The WHOA views accountability and compliance with prevailing and proposed laws as central to the provision of its Services.
- 2.2 The Processing it undertakes is compliant with all existing legislation. In addition and in order to ensure on-going responsibility, the WHOA updates its procedures and systems in line with legislative changes on a continuous basis.
- 2.3 Accountability, relating, *inter alia* to sources of personal information and transfers of information to WHOA approved third parties;
- 2.3.1 **Processing Limitation**, relating *inter alia*, to the existence of the WHOA Memorandum of Incorporation, Estate Rules, Membership agreements, title deeds, service provider agreements, rental agreements, employment agreements, manuals/policies in respect of compilation, updating and usage of Personal Information, collection from and notification of natural persons;
- 2.3.2 **Purpose Specification**, relating *inter alia*, to the purpose of collection of Personal Information, notification to the natural person of such purpose, retention of Personal Information, processes for retrieval of Personal Information and disposal of information;
- 2.3.3 **Further Processing Limitation**, relating *inter alia*, to processing of Personal Information for purposes other than that for which it was collected, obtaining consent from the natural person, and the public nature of the Personal Information processed;
- 2.3.4 **Information Quality**, relating *inter alia*, to verification processes to ensure accurate and complete Personal Information, the updating of Personal Information and quality control measures employed;
- 2.3.5 **Openness**, relating *inter alia*, to the disclosure of sources of Personal Information to natural persons, notification of the purpose of collection of Personal Information, education on the rights of natural persons to access and rectify Personal Information, notification of whether the provision of Personal Information by the natural person is voluntary or mandatory and availability of organisational policies and practices;
- 2.3.6 **Security Safeguards**, relating *inter alia*, to the policies and procedures relating to security, safety and access to Personal Information, security systems and barriers employed, maintenance of Personal Information, back-up and storage of Personal Information and security breaches;

- 2.5 Going forward the POPI Act will govern the Processing of Personal Information by The WHOA. The WHOA, in anticipation of POPI, has taken steps to ensure that its business processes and practices in respect of Personal Information are moving towards compliance with the requirements of the POPI Act. In this context, The WHOA and other member Estates/Gated Communities, in conjunction with ARC ("Association of Residential Communities") and the RCC ("Residential Community Council") is engaged in an ongoing POPI conditions compliance programme to ensure proper compliance and safeguard against data leakage, focusing on the implementation of effective Safe Space Software, as a part of confidential information security analysis systems, in respect of the protection of sensitive and confidential data against internal and external information security threats.

3. CONCLUSION

- 3.1 The WHOA complies with all current legislative requirements in respect of the Processing of Personal Information.
- 3.2 Going forward, the WHOA is taking proactive steps to ensure that its business processes and procedures will be fully compliant with the requirements of the POPI Act once it is in force. In particular, the WHOA has ensured that:
- 3.2.1 Personal Information is legitimately sourced and processed in accordance with its MOI, Estate Rules, all existing membership and resident contractual agreements;
 - 3.2.2 Personal Information is updated on a regular basis to ensure that it is accurate and correct; and the most up to date security measures have been put in place to ensure the integrity and confidentiality of the Personal Information Processed by it.

THE WESTLAKE HOMEOWNERS ASSOCIATION

(Getting ready for the promulgation of the POPI Act)