



MANUAL PREPARED IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT NO. 4 OF 2013 ("POPIA")

1. INTRODUCTION

This Policy sets out the manner in which Auria Senior Living (Brenthurst Retirement Holdings (Pty) Ltd) will comply with its legal obligations and requirements in respect of the protection of personal information in terms of POPIA which is the key legislation regulating the security and confidentiality of personal information.

2. CONTACT DETAILS OF INFORMATION OFFICER

Information Officer:	Quintin Mulwitsky
Postal address:	21 Norton Way, Rondebosch, 7700
Telephone number:	(021) 680 2600
E-mail address:	quintin@auria.co.za

3. DEFINITIONS

- 3.1. **Consent** - any voluntary, specific, and informed expression of will in terms of which permission is given for the processing of personal information.
- 3.2. **Data subject** – the natural or juristic person to whom the personal information relates.
- 3.3. **Direct marketing** – approaching a Data Subject personally, via post or electronic communication for purposes of promoting or offering to supply any goods or services to the Data Subject in the ordinary course of business.
- 3.4. **Personal information** – information relating to an identifiable, living natural person and an identifiable, existing juristic person as defined in POPIA.
- 3.5. **Processing** – any operation or activity, including by automatic means, concerning personal information.
- 3.6. **Responsible Party** – a public or private body or any other person which determines the purpose of and means for processing personal information.

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4. SCOPE OF THE POLICY

The Policy applies to all Auria Senior Living's employees, directors, sub-contractors, agents, and vendors. The provisions of the Policy are applicable to both on and off-site processing of personal information.

5. POLICY STATEMENT

Brenthurst collects and uses personal information in respect of both individuals and corporate entities in order to carry out and operate its business and organisational functions effectively. Brenthurst regards the lawful and appropriate processing of personal information as crucial to successful service delivery and thus fully endorses and complies with the principles of POPIA.

6. PROCESSING OF PERSONAL INFORMATION

Brenthurst is a Responsible Party for the purposes of POPIA and shall ensure that the personal information of a Data Subject:

- 6.1. is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected;
- 6.2. is processed only for the purposes for which it is collected. If further processing of personal information is required, then Brenthurst will obtain the Data Subject's consent to do so;
- 6.3. is adequate, relevant and not excessive for the purposes for which it is collected;
- 6.4. is accurate and kept up to date;
- 6.5. will not be kept for longer than necessary;
- 6.6. is processed in accordance with the requisite security safeguards to ensure that the personal information is protected against accidental loss, damage or destruction and not accessed or acquired by unauthorised persons;

6.7. is processed in accordance with the rights of Data Subjects. Data Subjects have the right to:

- a) be notified that their personal information is being collected. The Data Subject must also be notified in the event of a data breach;
- b) request access to their personal information held by Brenthurst. Any request for access to personal information must be submitted in accordance with the provisions of this Policy;
- c) request the correction or deletion of inaccurate, irrelevant, excessive, outdated, incomplete or unlawfully obtained personal information;
- d) object to Auria Senior Living's use of their personal information and request the deletion of such personal information, subject to Auria Senior Living's record-keeping and legal retention requirements;
- e) object to the processing of personal information for purposes of direct marketing by means of unsolicited electronic communications; and
- f) lodge a complaint with the Information Regulator in respect of any alleged infringement of their rights as protected under POPIA.

7. PURPOSE OF PROCESSING

Brenthurst uses the personal information of Data Subjects for the following purposes:

- Concluding and administering of agreements with residents and service providers
- Rendering services to residents
- Conducting marketing and customer satisfaction research
- Staff administration
- Management of resident and supplier accounts
- Complying with regulatory and legal obligations
- In connection with any legal proceedings
- Any other reasonably required purpose relating to Auria Senior Living's business.

8. RECIPIENTS OF PERSONAL INFORMATION

Brenthurst may share the personal information with the following entities –

- a) Any firm, organisation or person which provides Brenthurst with products or services;
- b) Any firm, organisation or person which Brenthurst uses to collect payments and recover debts on its behalf;
- c) Any payment system and IT operator that Brenthurst utilises;
- d) Third parties to whom payments are made on behalf of employees i.e., medical schemes, retirement funds, bargaining councils;
- e) Financial institutions from whom payments are received on behalf of Data Subjects;
- f) Employees, contractors and temporary staff;
- g) Sub-contractors and agents;
- h) External medical practitioners, specialists and pharmacies
- i) Regulatory and governmental authorities, ombudsmen or other authorities, including tax authorities, to whom Brenthurst has a legal duty to furnish this information.

9. CROSS BORDER FLOW OF PERSONAL INFORMATION

9.1. Personal information may be transmitted by Brenthurst outside of the borders of South Africa for business purposes and personal information may be stored in data servers hosted outside of South Africa, which may not have adequate data protection laws. Brenthurst will endeavour to ensure that these entities will take all reasonable measures to secure the personal information and data.

9.2. Section 72 of POPIA provides that personal information may only be transferred out of South Africa if the –

- a) recipient country can offer an adequate level of protection to that in terms of the conditions for lawful processing as contained in POPIA; or
- b) Data Subjects consent to the transfer of their personal information; or

- c) transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- d) transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party and is in the interests of the Data Subject; or
- e) transfer is for the benefit of the Data Subject and it is not reasonably practicable to obtain the consent of the Data Subject and if it were, the Data Subject would in all likelihood provide such consent.

10. RETENTION OF PERSONAL INFORMATION RECORDS

- 10.1. Brenthurst will not retain the personal information record any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed, unless –
 - a) Retention of the personal information is required or authorised by law;
 - b) Brenthurst reasonably requires the personal information for lawful purposes related to its functions and activities;
 - c) Retention of the personal information is required by a contract between the parties thereto; or
 - d) The Data Subject has consented to the retention of the personal information.
- 10.2. Brenthurst will attend to the destruction or deletion of the personal information or de-identify the personal information as soon as reasonably practicable after the information is no longer required, subject to the circumstances detailed above in clause 10.1.

11. GENERAL DESCRIPTION OF INFORMATION SECURITY MEASURES

- 11.1. Brenthurst undertakes to institute and maintain up-to-date data protection measures in order to ensure the confidentiality, integrity and availability of all personal information in its possession.

- 11.2. These security measures include, inter alia, –
- a) Firewalls;
 - b) Virus protection software and update protocols;
 - c) Physical and digital access control;
 - d) Secure set-up of both hardware and software systems to prevent unauthorised access.

12. OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

- 12.1. Section 11(3) of POPIA and regulation 2 of the POPIA Regulations provides that a Data Subject may, at any time, object to the processing of his/her/its personal information, subject to the exceptions as contained in POPIA.
- 12.2. Should a Data Subject wish to object to the processing of his/her/its personal information, the Data Subject must complete the prescribed form attached to this manual and submit this form to the Information Officer.

13. ACCESS TO PERSONAL INFORMATION

- 13.1. All individuals and corporate entities may request access to or the amendment or deletion of their personal information held by Brenthurst.
- 13.2. Any requests in respect hereof must be completed on the prescribed form attached to this manual and submitted to the Information Officer.

14. GROUNDS FOR REFUSAL OF ACCESS TO INFORMATION

- 14.1. Brenthurst may refuse to grant access to a requested record on the legal grounds as detailed in the applicable sections of Chapter 4 of Part 2 and Chapter 4 of Part 3 of the Promotion of Access to Information Act No 2 of 2000.
- 14.2. A request for personal information may be refused if, inter alia –
- a) its disclosure would involve the unreasonable disclosure of a third party's personal or commercial information;

- b) disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- c) disclosure of the record would endanger the life or physical safety of an individual;
- d) disclosure is prohibited by any legislation;
- e) the record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- f) disclosure of the record contains trade secrets, financial, commercial, scientific or technical information relating to Brenthurst.

15. AVAILABILITY AND UPDATING OF THIS MANUAL

- 15.1. Auria Senior Living will update this manual at such intervals as may be deemed necessary.
- 15.2. This manual is available to view at Auria Senior Living communities premises and on its website.

FORM 1
OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF
SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013
(ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
(Regulation 2)

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided for in this form is inadequate, submit information as an Annexure to this form and sign each page.
3. Complete as is applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique Identifier / Identity Number	
Residential, postal, or business address:	
	Code :
Contact number(s):	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / Registered name of responsible party:	
Residential, postal, or business address:	
	Code :
Contact number(s):	
E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) <i>(Please provide detailed reasons for the objection)</i>

Signed at _____ on this _____ Day of _____ 20_____

Signature of data subject/designated person

FORM 2
REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR
DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS
OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013
(ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
(Regulation 3)

Note:

4. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
5. If the space provided for in this form is inadequate, submit information as an Annexure to this form and sign each page.
6. Complete as is applicable.

Mark the appropriate box with an "X".

Request for:

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique Identifier / Identity Number	
Residential, postal, or business address:	
	Code:
Contact number(s):	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / Registered name of responsible party:	
Residential, postal, or business address:	
	Code:
Contact number(s):	
E-mail address:	

C	INFORMATION TO BE CORRECTED / DELETED / DESTRUCTED / DESTROYED
D	REASONS FOR “CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN THE POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and/or REASONS FOR DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. (Please provide detailed reasons for the request)

Signed at _____ on this _____ day of 20 _____

Signature of data subject/designated person