



PRIVACY POLICY

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1. Introduction

- 1.1. This POPI Policy is to Hillcrest Estate Durbanville (Pty) Ltd, hereinafter referred to as "HILLCREST" in this policy document.
- 1.2. This policy regulates the processing of personal information by HILLCREST and sets forth the requirements with which HILLCREST undertakes to comply when processing personal information pursuant to undertaking its operations and fulfilling its contractual obligations in respect of data subjects and third parties in general.
- 1.3. HILLCREST places a high premium on the privacy of every person or organisation with whom it interacts or engages with and therefore acknowledges the need to ensure that personal information is handled with a reasonable standard of care as may be expected from it. HILLCREST is therefore committed to ensuring that it complies with the requirements of POPIA.
- 1.4. When a data subject or third party engages with HILLCREST, whether it be physically or via any digital, electronic interface such as HILLCREST's website, the data subject or third party acknowledges that they trust HILLCREST to process their personal information.
- 1.5. All data subjects and third parties have the right to object to the processing of their personal information.

2. Purpose and application

- 2.1. The purpose of this policy isn't only to inform data subjects on how HILLCREST processes their personal information, but also to establish a standard by which HILLCREST and its employees and representatives will comply in as far as the processing of personal information is concerned.
- 2.1 HILLCREST, in its capacity as a responsible party/operator (as the case may be) will strive to observe and comply with its obligations under POPIA when it processes personal information from or in respect of any data subject.

3. Definitions

- 3.1. In this policy (as defined below), unless the context requires otherwise, the following terms will have the meanings given to them:
 - **Consent** means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.
 - **Data subject** means the person to whom personal information relates to.
 - **Information officer** of, or in relation to,
 - a public body means an information officer or deputy information officer as contemplated in terms of section 1 or 17; or
 - a private body means the head of a private body as contemplated in section 1 of the Promotion of Access to Information Act.
 - **Operator** means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party.
 - **Person** means a natural person or a juristic person.

- **Personal Information** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—
 - information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - information relating to the education or the medical, financial, criminal or employment history of the person;
 - any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - the biometric information of the person;
 - the personal opinions, views or preferences of the person;
 - correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - the views or opinions of another individual about the person; and
 - the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.
- **Processing** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—
 - the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - dissemination by means of transmission, distribution or making available in any other form; or
 - merging, linking, as well as restriction, degradation, erasure or destruction of information.
- **Public record** means a record that is accessible in the public domain and which is in the possession of or under the control of a public body, whether or not it was created by that public body.
- **Record** means any recorded information—
 - regardless of form or medium, including any of the following:
 - Writing on any material;
 - information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;
 - label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
 - book, map, plan, graph or drawing;
 - photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;
 - in the possession or under the control of a responsible party;
 - whether or not it was created by a responsible party; and

- regardless of when it came into existence.
- **Regulator** means the Information Regulator established in terms of section 39 of the POPI Act.
- **Special personal** information means personal information concerning—
 - the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or
 - the criminal behaviour of a data subject to the extent that such information relates to—
 - the alleged commission by a data subject of any offence; or
 - any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

4. Collecting and processing of personal information

- 4.1. HILLCREST collects personal information in various instances, including when:
- Data subjects contact HILLCREST or request information or services;
 - HILLCREST provides services to data subjects;
 - Persons apply for employment at HILLCREST;
 - When persons use HILLCREST’s websites or engage with HILLCREST through social media.
- 4.2. From time to time, it may be that HILLCREST has collected a data subject’s personal information from other sources. In the event that a data subject has shared their personal information with any third parties, HILLCREST won’t be responsible for any loss suffered by the data subject, their dependents or spouse/s (as the case may be).
- 4.3. HILLCREST will process personal information in order to facilitate and enhance the delivery of services to its clients, foster a legally compliant workplace environment, as well as safeguard the personal information relating to any data subjects which it in fact holds.
- 4.4. HILLCREST undertakes to process any personal information in a manner which promotes the data subject’s constitutional right to privacy, retains accountability and data subject participation. In supplementation of the above, HILLCREST will process personal information for the following purposes:
- To provide or manage any information or services requested by data subjects.
 - To establish a data subject’s needs, wants and preferences in relation to the services provided by HILLCREST.
 - To facilitate the delivery of services to clients.
 - To allocate unique identifiers to clients for the purpose of securely storing, retaining, and recalling such data subject’s personal information from time to time.
 - To maintain records of data subjects and specifically client records.
 - To maintain third party records.
 - For recruitment purposes.
 - For employment purposes.
 - For apprenticeship purposes.
 - For general administration purposes.
 - For legal/contractual purposes.

- For health and safety purposes.
 - To provide health and wellness information to HILLCREST's employees and clients.
 - To monitor access, secure, and manage any facilities owned or operated by HILLCREST regardless of location in South Africa.
 - To transact with third parties.
 - To improve the quality of HILLCREST's products and services.
 - To analyse the personal information collected for research and statistical purposes.
 - To help recover bad debts.
 - To transfer personal information across the borders of South Africa to other jurisdictions.
- 4.5. When collecting personal information from a data subject, HILLCREST will comply with the notification requirements as set out in Section 18 of POPIA.
- 4.6. HILLCREST will collect and process personal information in compliance with the conditions as set out in POPIA, to ensure that it protects the data subject's privacy.
- 4.7. HILLCREST won't process the personal information of a data subject for any purpose other than for the purposes set forth in this policy, unless HILLCREST is permitted or required to do so in terms of applicable laws or otherwise by law.

5. Storage and retention of personal information

- 5.1. Personal information will only be retained by HILLCREST for as long as necessary to fulfil the purposes for which that personal information was collected, or as permitted in terms of applicable law.
- 5.2. It's specifically recorded that any data subject has the right to object to the processing of their personal information and HILLCREST will retain and store the data subject's personal information for the purposes of dealing with such an objection or enquiry as soon and as swiftly as possible.

6. Failure to provide personal information

- 6.1. Where HILLCREST is required to collect personal information from a data subject by law or in order to fulfil a legitimate business purpose of HILLCREST, and the data subject fails to provide such personal information, HILLCREST may, on notice to the data subject, decline to render services without any liability to the data subject.
- 6.2. In the case where the data subject is a job applicant, HILLCREST may not offer the data subject employment based on the data subject's failure to provide the required information.
- 6.3. In the case where the data subject is an employee, HILLCREST may terminate the employment relationship based on the data subject's failure to provide the required information.

7. Securing personal information

- 7.1. HILLCREST has implemented appropriate, reasonable, physical, organisational, contractual and technological security measures to secure the integrity and confidentiality of personal information, including measures to protect against the loss or theft, unauthorised access, disclosure, copying, use or modification of personal information in compliance with applicable laws.
- 7.2. In further compliance with applicable laws, HILLCREST will take steps to notify the Regulator and any affected data subjects in the event of a security breach and will provide

such notification as soon as reasonably possible after becoming aware of any such breach.

- 7.3. Notwithstanding any other provisions of this policy, it should be acknowledged that the transmission of personal information, whether it be in person, via the internet or any other digital data transferring technology, isn't completely secure.
- 7.4. While HILLCREST has taken all appropriate, reasonable measures to secure the integrity and confidentiality of the personal information it processes, in order to guard against the loss of, damage to, or unauthorised destruction of, personal information and unlawful access to (or processing of) personal information, HILLCREST in no way guarantees that its security system is 100% secure or error-free. Therefore, HILLCREST does not guarantee the security or accuracy of the information (whether it be personal information or not) which it collects from any data subject.
- 7.5. Any transmission of personal information will be solely at the own risk of the data subject. Once HILLCREST has received the personal information, it will deploy and use strict procedures and security features to try and prevent unauthorised access to it.
- 7.6. By accepting the terms and conditions to which this policy relates, the data subject agrees to indemnify and hold HILLCREST harmless for any security breaches which may potentially expose the personal information in HILLCREST's possession to unauthorised access or the unlawful processing of such personal information by any third party.

8. Transfer of personal information to third parties

HILLCREST may disclose personal information to third party service providers where necessary to achieve the purpose/s for which the personal information was originally collected and processed. HILLCREST will enter into written agreements with such third-party service providers to ensure that they comply with applicable laws pursuant to the processing of personal information provided to it by HILLCREST from time to time.

9. Transfer of personal information outside of South Africa

- 9.1. HILLCREST may, under certain circumstances, transfer personal information to a jurisdiction outside of South Africa in order to achieve the purpose/s for which the personal information was collected and processed, including for processing and storage by third party service providers.
- 9.2. HILLCREST will obtain the data subject's consent to transfer the personal information to such foreign jurisdiction unless consent isn't required by applicable law.
- 9.3. The data subject should also take note that, where the personal information is transferred to a foreign jurisdiction, the processing of personal information in the foreign jurisdiction may be subject to the laws of that foreign jurisdiction.

10. Access to personal information

- 10.1. A data subject has the right to a copy of the personal information which is held by HILLCREST (subject to a few limited exemptions as provided for under applicable law).
- 10.2. The data subject must make a written request (which can be sent by email) to the information officer designated by HILLCREST from time to time.
- 10.3. HILLCREST will provide the data subject with any such personal information to the extent required by applicable law and subject to and in accordance with the provisions of HILLCREST's PAIA manual published in terms of Section 51 of the Promotion of Access to Information Act 2000 (PAIA), which can be sourced on HILLCREST's website.
- 10.4. The data subject can challenge the accuracy or completeness of their personal information in HILLCREST's records at any time in accordance with the process set out in HILLCREST's PAIA manual.

11. Keeping personal information accurate

- 11.1. HILLCREST will take reasonable steps to ensure that personal information that it processes is kept updated where reasonably possible.
- 11.2. HILLCREST may not always expressly request the data subject to verify and update their personal information and expects that the data subject will notify HILLCREST from time to time in writing:
- Of any updates or amendments required in respect of their personal information.
 - Where the data subject requires HILLCREST to delete their personal information.
 - Where the data subject wishes to restrict the processing of their personal information.

12. Complaints to the Information Regulator

12.1. In the event that any data subject or third party is of the view or belief that HILLCREST has processed their personal information in a manner or for a purpose which is contrary to the provisions of this policy, the data subject is required to first attempt to resolve the matter directly with HILLCREST, failing which the data subject or third party will have the right to lodge a complaint with the Information Regulator, under the provisions of the POPI Act.

12.2. The contact details of the Information Regulator are:

Physical address: 33 Hoof Street, Forum III, 3rd Floor Braampark, Johannesburg, 2001

Tel no: 010 023 5207

Email: infoereg@justice.gov.za

13. Changes to this Policy

We reserve the right, in our sole discretion to amend (including without limitation, by the addition of new terms and conditions) this Privacy Policy from time to time. Save as expressly provided to the contrary in this Privacy Policy, the amended version of the Privacy Policy shall supersede and replace all previous versions thereof.

14. Contact Details

Hillcrest Estate Durbanville

Address: Hillcrest Estate, Tygerberg Valley Road, Durbanville

Information Officer: Kristel Van Tonder

Tel no: 021 970 5800

Email address: informationofficer@hillcrestfarm.co.za