



**PROTECTION OF PERSONAL INFORMATION ACT
(POPIA) MANUAL**



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1. BACKGROUND AND PURPOSE

1.1 The aim of POPIA is to ensure the right of South African citizens to the privacy of their Personal Information and to regulate all organisations that collect, store and disseminate Personal Information.

1.2 Personal Information may only be processed if the process meets the conditions of the Act. There are eight distinct conditions which organisations need to meet to be acting lawfully:

- Accountability.
- Processing limitation.
- Purpose specification.
- Use limitation.
- Information quality.
- Openness.
- Security safeguards.
- Individual/Data Subject participation.

2. SCOPE OF APPLICATION

2.1 This POPIA Manual applies to all TUHF Employees, temporary staff as well as independent contractors, and shall be applied to all activities



and/or task related to the Processing, maintenance, storing and transferring of Personal Information.

- 2.2 TUHF, in its capacity as Responsible Party, shall strive to observe and comply with its obligations under POPIA as well as accepted information protection principles, practices and guidelines when it processes Personal Information from or in respect of any Data Subject.
- 2.3 When there is a material inconsistency between POPIA and other legislation, POPIA will apply. Conversely, if the other legislation provides more extensive protection than POPIA, the other legislation will apply.

3. PRINCIPLES

- 3.1 Chapter 3 of POPIA provides for the minimum conditions for lawful Processing of Personal Information by TUHF. These conditions may not be deviated from unless specific exclusions apply as in terms of POPIA.
- 3.2 TUHF processes Personal Information relating to both natural person and juristic persons to carry its business and organisation functions. The manner in which this information is processed and the purpose for which it is processed is determined by TUHF.
- 3.3 TUHF is accordingly a Responsible Party for the purpose of POPIA and will ensure that the Personal Information of a Data Subject:
 - 3.3.1 is processed lawfully, fairly and transparently;



3.3.2 is processed only for the purpose for which it was collected;

3.3.3 will not be retained for longer than necessary, unless the retention is prescribed by applicable Laws or/and Regulations;

3.3.4 is processed in accordance with integrity and confidentiality principles. The Personal Information is subject to reasonable technical and organisational measures to prevent unlawful access, unauthorised access to Personal Information;

3.3.5 the Personal Information shall be stored and retained in line with the TUHF Information Retention and Destruction Policy; and

3.3.6 is processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:

- a) be notified that their Personal Information is being collected by TUHF. The Data Subject also has the right to be notified in the event of a Data Breach;
- b) know whether TUHF holds Personal Information about them, and to access that information. Any request for information shall be handled in accordance with the provisions of this POPIA Manual;
- c) request the correction or deletion of inaccurate, irrelevant, excessive, outdated, or unlawfully obtained Personal Information; and



- d) complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its Personal Information.

4. PURPOSE FOR PROCESSING PERSONAL INFORMATION

4.1 TUHF collects and processes clients' Personal Information for purposes of Processing of commercial property finance loan applications. The type of information will depend on the need for which it is collected and will be processed for that purpose only. Whenever possible, TUHF will inform the client as to the information required and the information deemed optional. With the client's consent, TUHF may also supplement the information provided with information TUHF receives from other providers in order to . *Inter-alia*, make an informed credit decision. For purposes of this POPIA Manual, clients include potential and existing clients.

4.2 Regulatory Compliance

TUHF must process and retain Personal Information that is required by applicable statutory laws and as outlined in the Retention and Destruction Policy.



4.3 Legal process and proceedings

TUHF must process and retain Personal Information required in terms of:

- a court order;
- rules of court and other administrative or judicial forums;
- rulings issued by regulators, tribunals, arbitration or any statutory or self-regulatory body whose rulings are binding on TUHF; and
- guidelines of any industry body or charter to which TUHF is a member or subscriber.

4.4 Business functions

TUHF needs Personal Information relating to both individual and juristic persons in order to carry out the following business functions:

- compliance with the legislation and regulations which TUHF is required to abide by as a responsible financial institution and therefore in terms of its Lending and Credit Policy to conduct background and credit checks and assessments as required or permitted by applicable local law; and
- concluding a loan agreement and any supporting security documentation with a Data Subject.

4.5 Contractual obligations

TUHF must process and retain Personal Information that is required for:

- contracts (including tenders and request for quotation publications) with Third Party Service Providers, Suppliers,



Employees, board members, various committee members and consultants; and

- insurance policies.

4.6 **TUHF Subsidiaries and related entities**

TUHF subsidiaries and related entities processes and retain Personal Information of, amongst others, prospective clients.

4.7 **Audit and accounting**

TUHF must process and retain Personal Information for the purpose of auditing and accounting requirements.

4.8 **Marketing**

TUHF also collects and processes Third Party Service Providers and Suppliers' Personal Information for marketing and public relations purposes in order to ensure that our products and services remain relevant to our clients and potential clients. TUHF aims to have agreements in place with all Third Party Service Providers and product Suppliers to ensure a mutual understanding with regard to the protection of the client's Personal Information. TUHF's Third Party Service Providers and Suppliers will be subject to the same regulations as applicable to TUHF.

4.9 **Cross-border transfer of Personal information**

Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa if the:



- receiving country can offer such data an “adequate level” of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained under POPIA; or
- Data Subject consents to the transfer of their Personal Information; or
- the transfer is necessary for the performance of a contract between the Data Subject and the Responsible Party, or for the implementation of pre-contractual measures taken in response to the Data Subject's request; or
- the transfer is for the benefit of the Data Subject, and it is not reasonably practical to obtain the consent of the Data Subject, and if it were, the Data Subject, would likely provide such consent.

4.10 Special Personal Information

TUHF must process and retain Special Personal Information that is required for operational purposes in terms of the following legislation:

- Basic Conditions of Employment Act No. 75 of 1997;
- Companies Act No. 71 of 2008.
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
- Employment Equity Act No. 55 of 1998;
- Financial Intelligence Centre Act 38 of 2001;
- Labour Relations Act No. 66 of 1995;
- National Credit Act 34 of 2005;
- National Qualification Framework Act No. 67 of 2008;
- Occupational Health and Safety Act No. 85 of 1993;



- Rental Housing Act 50 of 1999;
- Skills Development Levies Act No. 9 of 1999; and
- Unemployment Insurance Contribution Act No. 4 of 2002.

5. DISCLOSURE OF PERSONAL INFORMATION

5.1 TUHF may disclose a client's Personal Information to any of the TUHF subsidiaries, joint venture companies and / or Third Party Service Providers whose services or products clients elect to use. TUHF has agreements in place to ensure compliance with confidentiality and privacy conditions.

5.2 TUHF may also share client Personal Information with and obtain Personal Information about clients from third parties for the reasons already disclosed above.

5.3 TUHF may also disclose a client's Personal Information where it has a duty or a right to disclose in terms of applicable legislation, the law, or where it may be deemed necessary in order to protect TUHF's rights.

5.4 All Employees have a duty of confidentiality in relation to TUHF and its clients.

5.5 TUHF views any contravention of this POPIA Manual very seriously and Employees who are guilty of contravening this POPIA Manual will be subject to disciplinary procedures, which may lead to the dismissal of any guilty party.



6. SAFEGUARDING PERSONAL INFORMATION

- 6.1 It is a requirement of POPIA to adequately protect Personal Information. TUHF will continuously review its security controls and processes to ensure that Personal Information safeguarded.
- 6.2 TUHF's Information Officer is responsible for compliance with the conditions of the lawful Processing of Personal Information and other provisions of POPIA. He is assisted by the Deputy Information Officers as listed in Annexure A to this POPIA Manual.
- 6.3 This POPIA Manual applies to all operations within TUHF and measures have been put in place and training within TUHF is being rolled out.
- 6.4 Each new Employee will be required to sign an employment contract providing for, *inter-alia*, consent clauses for the use and storage of Personal Information, or any other action so required, in terms of POPIA;
- 6.5 Every Employee currently employed within TUHF will be required to sign an addendum to their employment contracts containing relevant consent clauses for the use and storage of Personal Information, or any other action so required, in terms of POPIA;
- 6.6 All TUHF electronic files or data are backed and stored off site;



6.7 TUHF Suppliers and Third Party Service Providers will be required to sign a service level agreement guaranteeing their commitment to the protection of Personal Information.

7. CORRECTION OF PERSONAL INFORMATION

Clients have the right to access the Personal Information TUHF holds about them. Clients also have the right to ask TUHF to update, correct or delete their Personal Information on reasonable grounds. Once a client objects to the Processing of their Personal Information, TUHF may no longer process said Personal Information. TUHF will take all reasonable steps to confirm its clients' identity before providing details of their Personal Information or making changes to their Personal Information.

8. AMENDMENTS TO THIS MANUAL

Amendments to, or a review of this POPIA Manual, will take place on an ad hoc basis or at least once a year. Clients are advised to access TUHF'S website periodically to keep abreast of any changes. Where material changes take place, clients will be notified directly, or changes will be stipulated on the TUHF website.

9. ACCESS TO DOCUMENTS

All Personal Information relating to TUHF must be dealt with in the strictest



confidence and may only be disclosed, without fear of redress, in the following circumstances:

- 9.1 where disclosure is under compulsion of law;
- 9.2 where there is a duty to the public to disclose;
- 9.3 where the interests of the TUHF require disclosure; and
- 9.4 where disclosure is made with the express or implied consent of the client.

10. RETENTION OF DOCUMENTS

10.1 Hard Copy

The statutory periods for the retention of hard copy documents are as per the relevant legislation. The retention periods are identified in the Information Retention and Destruction Policy.

10.1 Electronic Storage

- 10.1.1 Personal Information must be stored electronically in terms of the TUHF IT Policy, TUHF IT Security Policy and TUHF Information Retention and Destruction Policy.
- 10.1.2 If documents are scanned, the hard copy must be retained for as long the information is used in connection with the lawful processing of the information. Documents pertaining to Employees, must be retained for a period of 3 years in terms of the Information Retention and Destruction Policy.
- 10.1.3 Section 51 of the Electronic Communications Act No 25 of 2005



requires that Personal Information and the purpose for which the data was collected must be kept by the person who electronically requests, collects, collates, processes or stores the information and a Record of any third party to whom the information was disclosed must be retained for a period of 1 year or for as long as the information is used. It is also required that all Personal Information which has become obsolete must be destroyed.

11 DESTRUCTION OF DOCUMENTS

11.1 Documents may be destroyed after the termination of the retention period specified in terms of the relevant applicable legislation as contained in the Information Retention and Destruction Policy.

11.1 Each department is responsible for attending to the destruction of its documents, which must be done on a regular basis. Files must be checked in order to make sure that they may be destroyed and also to ascertain if there are important original documents in the file. Original documents must be returned to the holder thereof, failing which, they should be retained by TUHF pending such return.

11.2 After completion of the process in 11.2 above, the responsible person shall, in writing, authorise the removal and destruction of the documents in the authorisation document.



11.3 The documents are then made available for collection by the removers of the TUHF's documents, who also ensure that the documents are shredded before disposal. This also helps to ensure confidentiality of Personal Information.

11.4 Documents may also be stored off-site, in storage facilities approved by TUHF.

12 PROCEDURES AND MEASURES:

12.1 The following procedures are in place to comply with POPIA and POPIA Regulations:

12.1.1 This POPIA Manual shall be disseminated throughout TUHF;

12.1.2 **Section 11(3) of POPIA** and regulation 2 of POPIA Regulations provides that a "Data Subject" may, at any time object to the processing of his/her or its Personal Information in the prescribed forms attached to this manual as Form 1 subject to the exceptions contained in POPIA.

12.1.3 **Section 24 of POPIA** and regulation 3 of the POPIA Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form attached as Form 2 of this manual.



13 LINKS TO OTHER POLICIES

13.1 TUHF Privacy Policy;

13.2 Retention and Destruction Policy;

13.3 Promotion of Access to Information Act (PAIA) Section 14 manual;

13.4 Information Security Policy;

13.5 Information Technology Policy;

13.6 Mobile Device and Remote Working Policy;

13.7 Clean Desk and Clear Desk Policy; and

13.8 Information Classification Policy.

14 CONTRAVENTION OF THIS POPIA MANUAL

Any Employee who is found to have contravened this POPIA Manual, either through commission or omission, will face disciplinary action in accordance with the relevant policies of TUHF.

15 INFORMATION OFFICER

15.1 In terms of the Section 55 of POPIA, the Chief Executive Officer of a Public Body is automatically designated as the Information Officer. The Information Officer oversees the function and responsibilities as



required for in terms of POPIA after registering with the Information Regulator.

15.2 In terms of Section 56 of POPIA, the CEO is empowered to appoint Deputy Information Officers, as such, the Chief Executive Officer, as the Information Officer has designated the below Employees as Deputy Information Officers for TUHF:

- a) The Chief Financial Officer;
- b) The Legal and Compliance Executive; and
- c) The Information Technology Executive.

15.3 Deputy Information Officers shall be responsible for performing all duties and responsibilities of the Information Officer as prescribed by Section 55 of POPIA and Regulation 4, including:

- 15.3.1 encouragement of compliance with the conditions for the lawful Processing of Personal Information;
- 15.3.2 dealing with requests made to the TUHF pursuant to POPIA;
- 15.3.3 assist the Information Regulator with investigations conducted pursuant to Chapter 6;
- 15.3.4 ensuring compliance by TUHF with the provisions of POPIA;
- 15.3.5 ensure that a compliance framework is developed, monitored, maintained, and made available in terms of Section 14 and 51 of POPIA;



15.3.6 ensure that internal measures are developed together with adequate systems to process requests for Personal Information or access thereto; and

16.3.7 ensure internal awareness sessions are conducted regarding the provisions of POPIA, regulations made in terms thereof or information obtained from the Information Regulator.

15.4 For a full list of Information Officers and Deputy Information Officers in relation to TUHF, refer to Annexure A1 and Annexure A2.

15.5 The Information Officer and Deputy Information Officers shall upon request by a person, provide copies of this POPIA Manual to that person upon the payment of a fee determined by the Information Regulator.

15.6 However, to ensure proper Processing of the request, all requests for information relating to entities listed in Annexure A1 must be addressed to privacy@tuhf.co.za and all requests for information relating to entities listed in Annexure A2 must be addressed to privacy@tuhf21.co.za.

15.7 Details of the TUHF Branches are also attached to this POPIA Manual marked as Annexure B.

15.8 Costs to access to the Personal Information

The prescribed fees to be paid for copies of the Data Subject's Personal Information are listed in clause 16 of the TUHF PAIA Manual.



GLOSSARY

In this POPIA Manual (as defined below), unless the context requires otherwise, the following words and expressions bear the meanings assigned to them:

"Data Breach"	means an actual or suspected breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Information under the control of or in the possession of TUHF;
"Data Subject"	means the TUHF Employees, Non-Executive Directors, clients or suppliers or any other persons in respect of whom TUHF Processes Personal Information, who may be either natural or juristic persons;
"Employees"	means any Employee of TUHF as defined in the Labour Relations Act 66 of 1995;
"PAIA"	means the Promotion of Access to Information Act, No 2 OF 2000;
"Personal Information"	means information relating to any Requestor, including but not limited to (i) views or opinions of another individual about the Requestor; and (ii) information relating to such Requestor's:



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race, sex, gender, sexual orientation, pregnancy, marital status, nationality, ethnic or social origin, colour, age, physical or mental health, well-being, disability, religion, conscience, belief, cultural affiliation, language and birth;

education, medical, financial, criminal or employment history;

names, identity number and/or any other personal identifier, including any number(s), which may uniquely identify a Requestor, account or client number, password, pin code, numeric, alpha, or alpha-numeric design or configuration of any nature, symbol, email address, domain name or IP address, physical address, cellular phone number, telephone number or other particular assignment;

blood type, fingerprint or any other biometric information;

personal opinions, views or preferences;

correspondence that is implicitly or expressly of a personal, private or confidential nature (or further correspondence that would reveal the contents of the original correspondence); and

information relating to corporate structure, composition and business operations (in



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circumstances where the Requestor is a juristic person);

"POPIA"

means the Protection of Personal Information Act, No 4 of 2013;

"POPIA Manual"

means this Protection of Personal Information Manual;

"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 by electronic communications or other means; or

merging, linking, blocking, degradation, erasure or destruction. For the purposes of this definition, "Process" has a corresponding meaning.

"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 TUHF; whether or not it was created by TUHF; and regardless of when it came into existence;

"Special Personal Information"

means Personal Information concerning a Data Subject's religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sexual life, biometric information or criminal behaviour;

"Supplier"

means any entity or individual that will be providing the Services and/or the Goods to the TUHF.



TUHF

- "Third Party Service Provider"** means any independent contractor, agent, consultant, sub-contractor or providing any service to TUHF related to its business operations;
- "TUHF"** means the TUHF Group of Companies; and
- "TUHF Group of Companies"** means TUHF Ltd, TUHF subsidiaries, TUHF special purpose vehicles, TUHF Foundations and/or TUHF Trusts. (For a full list of companies refer to Annexure A).



ANNEXURE A1

TO POPIA MANUAL

TUHF HOLDINGS GROUP OF COMPANIES SUMMARY

Including

APPOINTED INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS



Entity	Information Officer	Deputy Information Officer
TUHF Holdings Ltd	Paul Jackson	<ul style="list-style-type: none"> • Ilona Roodt • Belinda Cooke • Nico Papanicolaou
TUHF Ltd	Paul Jackson	<ul style="list-style-type: none"> • Ilona Roodt • Belinda Cooke • Nico Papanicolaou
TUHF Bridge (Pty) Ltd	Paul Jackson	<ul style="list-style-type: none"> • Ilona Roodt • Belinda Cooke • Nico Papanicolaou
TUHF Equity (Pty) Ltd	Paul Jackson	<ul style="list-style-type: none"> • Ilona Roodt • Belinda Cooke • Nico Papanicolaou
TUHF MBS (Pty) Ltd	Paul Jackson	<ul style="list-style-type: none"> • Ilona Roodt • Belinda Cooke • Nico Papanicolaou
Silverkey Investments (Pty) Ltd	Paul Jackson	<ul style="list-style-type: none"> • Ilona Roodt • Belinda Cooke • Nico Papanicolaou
Better Urban Living 2 (Pty) Ltd	Paul Jackson	<ul style="list-style-type: none"> • Ilona Roodt • Belinda Cooke • Nico Papanicolaou
Trusts		
Jeppe's Town Urban Trust	Imke Kruger	<ul style="list-style-type: none"> • Ilona Roodt • Belinda Cooke • Nico Papanicolaou
Related Entities / SPV's		



TUHF Urban Finance (RF) Limited	Paul Jackson	<ul style="list-style-type: none"> • Ilona Roodt • Belinda Cooke • Nico Papanicolaou
TUHF Urban Finance Security SPV (Pty) Ltd	Paul Jackson	<ul style="list-style-type: none"> • Ilona Roodt • Belinda Cooke • Nico Papanicolaou
Urban Ubomi 1 (RF) Ltd	Paul Jackson	<ul style="list-style-type: none"> • Ilona Roodt • Belinda Cooke • Nico Papanicolaou
Urban Ubomi 1 Security SPV (RF) Ltd	Paul Jackson	<ul style="list-style-type: none"> • Ilona Roodt • Belinda Cooke Nico Papanicolaou
Vusela Warehouse SPV (RF) (Pty) Ltd	Paul Jackson	<ul style="list-style-type: none"> • Ilona Roodt • Belinda Cooke • Nico Papanicolaou

TUHF's Information Officer and Deputy Information Officer contact details are:

Address: 12th Floor, West Wing, Libridge Building
 25 Ameshoff St, Johannesburg
 2001
 Gauteng
 Republic of South Africa

Email: privacy@tuhf.co.za

Tel 010 595 9000



ANNEXURE A2

TO POPIA MANUAL

TUHF 21 GROUP OF COMPANIES SUMMARY

Including

APPOINTED INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS



Entity	Information Officer	Deputy Information Officer
TUHF21 NPC	Lusanda Netshitenzhe	<ul style="list-style-type: none"> • Ilona Roodt • Belinda Cooke • Nicholas Papanicolaou
TUHF Properties (Pty) Ltd	Lusanda Netshitenzhe	<ul style="list-style-type: none"> • Ilona Roodt • Belinda Cooke • Nicholas Papanicolaou
Intuthuko Equity Fund (Pty) Ltd	Lusanda Netshitenzhe	<ul style="list-style-type: none"> • Ilona Roodt • Belinda Cooke • Nicholas Papanicolaou
uMaStandi (Pty) Ltd	Lusanda Netshitenzhe	<ul style="list-style-type: none"> • Ilona Roodt • Belinda Cooke • Nicholas Papanicolaou
Related Entities / SPV's		
TUHF Foundation NPC	Lusanda Netshitenzhe	<ul style="list-style-type: none"> • Ilona Roodt • Belinda Cooke • Nicholas Papanicolaou

TUHF21's Information Officer and Deputy Information Officer contact details are:

Address: 12th Floor, West Wing, Libridge Building
 25 Ameshoff St, Johannesburg
 2001
 Gauteng
 Republic of South Africa

Email: privacy@tuhf21.co.za

Tel 010 595 9000



**ANNEXURE B
TO POPIA MANUAL**

TUHF BRANCH ADDRESSES AND CONTACT DETAILS

**Pretoria**

805 & 806 Olivetti House
8th Floor
100 Pretorius Street
Pretoria
010 595-8891

Durban

Embassy Building
199 Anton Lembede Street, (ex Smith Street)
Durban
031 306-5036

Port Elizabeth

BCX Building, 2nd Floor,
106 Park Drive,
St Georges Park,
Port Elizabeth
041 582-1450

Cape Town

Unit B4, 97 Durham St,
Cecil Rd,
Salt River,
Cape Town
021 204-8843

Bloemfontein

Unit 1, 17 B7arnes Street,
Westdene, Bloemfontein
051 011-8843

