



AGREEMENT REGULATING ACCESS, PROCESSING & STORAGE OF PERSONAL INFORMATION IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT (“POPIA”)

MEMBER NAME: _____

MEMBER IDENTIFICATION NUMBER: _____

“the Member”

1 Mooikloof Owners’ Association NPC Registration Number **1996/015680/08 (“the Company”)** is committed to compliance with the Protection of Personal Information Act. No. 4 2013 (“POPIA”).

1.1 In this agreement, the following words bear the meanings associated with them below:

1.1.1 **“Personal Information”** means information relating to an identifiable, living, natural person, including:

1.1.1.1 Financial information related to a person, including information provided by the Member, or information obtained from a Credit Bureaux or from CIPC (the Companies and Intellectual Property Commission);

1.1.1.2 Any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person; and/or

1.1.1.3 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 that person.

2 “Data Subject” means each shareholder of the Company and all dependents, visitor(s) and contractor(s) that is a natural person.

WHEREAS:

2.1 In the course of the Company’s member verification and credit vetting processes, the Company will collect and process Personal Information related to Data Subjects.

2.2 The Company is committed to ensuring that any processing of Personal Information related to Data Subjects is limited to the express purposes of opening and management of an account for the Member and that such processing is compliant with POPIA.

3 IT IS HEREBY AGREED THAT:

3.1 **The Member consents to the Company:**

3.1.1 performing a credit search on the Member’s record, as well as the record of Data Subjects, with one or more of the registered Credit Bureaux when assessing the Member’s Application for Credit (and at any other time in the Company’s discretion);

3.1.2 recording the existence of the Member’s account with any Credit Bureau; and/or

3.1.3 recording and transmitting details of how the Member has performed and how the account is conducted by the Member in meeting its obligations on the account, including to a Credit Bureaux and the Company’s credit insurers.

3.2 The Member acknowledges and agrees that any information regarding its credit worthiness, defaults in payment to the Company, and details of its account with the Company is conducted may be disclosed to any other creditor of the Member or any registered Credit Bureaux, after 21 (twenty-one) days’ notice having been given to the Member.

- 3.3 The Member consents to the collection, processing and storage of Personal Information by the Company related to Data Subjects, for the purposes of both the opening and ongoing management of a member account.
- 3.4 **The Member warrants and represents that:**
- 3.4.1 it has concluded a contract with each Data Subject; and that in terms of such contract, the Member has obtained the consent from such person to the processing of Personal Information by suppliers in the credit vetting process; and
- 3.4.2 the processing of Personal Information by the Company is necessary for the legitimate interests of the Company in the Company's credit vetting process.
- 3.5 The Member warrants that all Personal Information supplied to the Company is accurate, up to date, is not misleading and that it is complete in all respects.
- 3.6 The Member undertakes to immediately advise the Company of any changes to the relevant Personal Information of a Data Subject, but not limited to, a change of ownership or control in the Member.
- 3.7 **The Company undertakes:**
- 3.7.1 to act in accordance with POPIA in relation to the collection, processing and storing of Personal Information related to the Member. The processing of Personal Information by the Company will be limited to the purposes set out herein and will not be excessive;
- 3.7.2 not to disclose the Member's Personal Information unless it is legally or contractually required or for its legitimate business purposes; and
- 3.7.3 to use reasonable efforts in order to ensure that Personal Information related to Data Subjects in its possession or processed on its behalf is:
- 3.7.3.1 kept confidential;
- 3.7.3.2 stored in a secure manner; and
- 3.7.3.3 processed in terms of the provisions of POPIA, and, for the purposes for which the Company has been authorized;
- 3.7.4 to take reasonable steps to identify risks associated with the processing of the Member's information and establish safeguards against any such identified risks; and
- 3.7.5 to take reasonable steps to ensure that the Member is notified in the event of a breach of the confidentiality of the Member's Personal Information.
- 3.8 The Member has a right to lodge a complaint with the information Regulator if the Member if it is of the view that its rights in terms of POPIA have been breached. The contact details of the information Regulator are:
- 3.8.1 Telephone Number: 012 406 4818.
- 3.8.2 Address: 33 Hoofd Street Forum II, 3rd Floor Braampark, Johannesburg, 2001.
- 3.8.3 E-mail Address: complaints.IR@justice.gov.za / inforg@justice.gov.za

Signed by the Member

Signature: _____

Full Name: _____

Date: _____

Signed by the Company

Signature: _____

Full Name: _____

Date: _____