PROTECTION OF PERSONAL INFORMATION
PRIVACY NOTICE TO TENANTS

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1. **INTERPRETATION**

In this notice, unless the context clearly indicates the contrary, the following words and expressions bear the meanings assigned to them below:

1.1 "**Act**" means the Protection of Personal Information Act (Act no. 4 of 2013");

1.2 "**Consent**" means any voluntary, specific and informed expression of will in terms of which permission is given for the collection and processing of Personal Information;

1.3 "**Data Subject**" or "**you**" or "**your**" means the Person who is a tenant or prospective tenant of Emira, and in respect of whom Emira collects and Processes Personal Information;

1.4 "**Emira**" means Emira Property Fund Limited, Registration No: 2014/130842/06, a public company with limited liability duly incorporated in terms of the company laws of the Republic of South Africa including, where appropriate, all its wholly owned subsidiaries and other special purpose vehicles which are directly or indirectly controlled by Emira, with the following details:

Physical Address	First Floor Block A Knightsbridge 33 Sloane Street Bryanston 2191
Postal Address	P O Box 69104 Bryanston 2021
Telephone number	+27 (0)11 028 3100
Email address	omadikela@emira.co.za

1.5 "**Operator**'' means any Person who processes Personal Information for Emira in terms of a contract or mandate, without coming under the direct authority of Emira;

1.6 "**Personal Information**" means information relating to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person, including, but not limited to:

1.6.1 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;

1.6.2 information relating to the education or the medical, financial, criminal or employment history of the person;

1.6.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;

1.6.4 the biometric information of the person;

1.6.5 the personal opinions, views or preferences of the person,

1.6.6 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;

1.6.7 the views or opinions of another individual about the person; and

1.6.8 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;

1.7 "**Person**" means a natural person or a juristic person;

1.8 "**Privacy Notice**" means this Privacy Notice directed to the Data Subjects specified in clause 1.3 above, as may be revised from time to time;

1.9 **''Processing**'' means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:

1.9.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use of Personal Information;

1.9.2 distribution of Personal Information by means of transmission or making it available in any other form, or merging, linking, as well as restriction, degradation, erasure or destruction of the information.

1.10 "**Record**" means any recorded information regardless of form or medium, including any of the following:

1.10.1 writing on any material;

1.10.2 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;

1.10.3 label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;

1.10.4 book, map, plan, graph or drawing;

1.10.5 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 Emira, whether or not it was created by Emira and regardless of when it came into existence;

1.11 "**Responsible Party**'' means a public or private body or any other Person which, alone or in conjunction with others, determines the purpose of and means for processing Personal Information. Emira is the Responsible Party for purposes of this Privacy Notice;

1.12 "**Special Personal Information"** means includes 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.

2. PURPOSE OF THIS PRIVACY NOTICE

2.1 In terms of section 18 of the Act, Emira is required to make you aware of certain information and your rights in terms of the Act.

2.2 This Privacy Notice informs Data Subjects of what happens to any Personal Information that you provide to Emira, or which Emira may collect from or about you.

3. SCOPE OF THIS PRIVACY NOTICE

This Privacy Notice applies to Personal Information processed by or on behalf of Emira, where Emira is the Responsible Party.

4. PERSONAL INFORMATION THAT EMIRA COLLECTS FROM DATA SUBJECTS

4.1 Personal Information is normally collected directly from you. Emira may also use other sources, subject to restrictions under applicable law, to assist in obtaining relevant Personal Information about you, such as third party service providers, or background check providers or credit reference agencies.

4.2 Emira collects and Processes the following Personal Information about Data Subjects including but not limited to:

4.2.1 identification particulars, such as your full name and surname, identification or passport number, date of birth, nationality and marital status;

4.2.2 registered company/close corporation/trust name and company/close corporation registration number or Master's reference number;

4.2.3 contact details, such as your physical address, postal address, business address (where applicable), telephone number, cell phone number, email address, and emergency contact details;

4.2.4 financial information, such as bank account details, insurance details, financial statements, tax clearance certificates and/or VAT registration numbers;

4.2.5 background check and credit reference information about you

4.3 Emira may also collect and Process certain information that qualifies as Special Personal Information (where applicable), including:

4.3.1 demographic information, for example your race;

4.3.2 information about criminal convictions and offences.

4.4 Emira may also collect and Process Personal Information automatically when you visit its website, for example your IP address.

4.5 In terms of the Act, Emira must have accurate and up to date information about you. It is your responsibility to ensure that all Personal Information that you provide to Emira is correct and current and to inform Emira of any changes or updates thereto that may be required.

4.6 Emira may also collect and Process additional Personal Information in the course of or relating to entering into, carrying out its obligations and enforcing its rights under an offer to lease or a lease agreement, should it be necessary or required in terms of any applicable law.

5. PURPOSE FOR WHICH PERSONAL INFORMATION IS COLLECTED AND PROCESSED

5.1 Emira will only collect and process your Personal Information where it is legally permitted to do so or legally obliged to do so in terms of any applicable laws. Where your Personal Information is collected and Processed in terms of a particular law or regulation Emira will take all reasonable steps to ensure that you are aware of the applicable law or regulation.

5.2 Generally, Emira will Process your Personal Information for the following purposes:

5.2.1 to administer your offer to lease and/or lease agreement and perform its obligations in terms thereof;

5.2.2 to enable Emira to comply with a legal obligation;

5.2.3 where it is necessary for Emira to protect or exercise its legitimate interests (or those of a third party);

5.2.4 to protect your interests or those of a third party;

5.2.5 where it is in the public interest to do so or for official purposes;

5.2.6 where Emira is required by any applicable law to do so;

5.2.7 to make a decision about entering into a lease agreement with you;

5.2.8 to determine the terms on which to offer you a lease or amend any terms of an existing lease;

5.2.9 to deal with any legal disputes that Emira is or may become involved in, or any legal disputes that involve you.

5.3 Should any other purpose arise for which Emira needs to or is required to Process your Personal Information, Emira will inform you of such additional purpose.

6. FAILURE TO PROVIDE PERSONAL INFORMATION

If you fail to provide Personal Information when requested by Emira to do so, Emira may not be able to enter into a lease agreement with you or perform in terms of the lease agreement that it has entered into with you, or Emira may be prevented from complying with its legal obligations towards you.

7. TRANSFER OF PERSONAL INFORMATION

If your Personal Information is transferred outside the Republic of South Africa to any third party service providers, Emira will take steps to ensure that your Personal Information receives the same level of protection, or a higher level of protection, in the country where such third party service providers are located, as it would in the Republic of South Africa and in terms of the Act.

8. SHARING OF YOUR PERSONAL INFORMATION

Emira may share the Personal Information about you that it has collected and Processed with:

8.1 **Third Party Service Providers**

Emira may disclose and share your Personal Information third party vendors, property managers, contractors or agents of Emira who perform functions on Emira's behalf, or who are contracted by Emira to provide services to it, in order to enable the third party service providers to perform their functions on behalf of Emira or to provide the services to Emira for which they contracted with Emira, subject to appropriate contractual obligations, limitations and restrictions and security measures.

8.2 **Legal Process**

Emira may disclose and share your Personal Information in order to comply with any applicable law, any legal proceedings in which Emira is involved, a court order or other legal process, such as in response to a subpoena.

8.3 **To Protect Emira and other Third Parties**

Emira may disclose and share your Personal Information where it is necessary to investigate, prevent, or take action in respect of illegal activities, suspected fraud, situations involving potential threats to the safety of any third party or violations of this Privacy Notice.

8.4 **Legal Obligation**

Emira may disclose and share your Personal Information to comply with any legal obligation to which it is subject.

9. RETENTION OF YOUR PERSONAL INFORMATION

Emira will only retain and Process your Personal Information for as long as it is required to carry out or achieve the purposes states in clause 5 above, or as otherwise required by law, in terms of Emira's *Document Retention and Destruction Policy*.

10. YOUR RIGHTS AS A DATA SUBJECT

As a Data Subject, you have the following rights:

10.1 **Right to be Notified**

You have the right to be notified that:

10.1.1 Personal Information about you is being collected and Processed; and

10.1.2 your Personal Information has been accessed by an unauthorised Person.

10.2 **Right of Access**

You have the right to enquire and to establish whether Emira holds Personal Information of you and to request access to the Record of your Personal Information by utilising the required form - *Request for Access to Record of Private Body* - as incorporated into Emira's Promotion of Access to Information Manual.

10.3 **Right to Correction, Destruction or Deletion**

You have the right to request, where necessary, the correction, destruction or deletion of your Personal Information by utilising the required form – *Request Correction or Deletion of Personal Information*.

10.4 **Right to Objection**

You have the right to object:

10.4.1 on reasonable grounds relating to your particular situation to the Processing of your Personal Information;

10.4.2 to the processing of your Personal Information:

10.4.2.1 at any time for purposes of direct marketing; or

10.4.2.2 for purposes of direct marketing by means of unsolicited electronic communications,

by utilising the required form – *Objection to the Processing of Personal Information*.

10.5 **Right with regards to Automated Processing**

You have the right not to be subject, under certain circumstances, to a decision of Emira which is based solely on the basis of the automated processing of your Personal Information, intended to create a profile of you.

10.6 **Right to Complain**

You have the right to submit a complaint, in the form prescribed by the Information Regulator, to the Information Regulator alleging interference with the protection of your Personal Information.

11. **EMIRA'S COMPLAINT PROCESS**

If you believe that Emira has not dealt with your Personal Information in a lawful or reasonable manner, or has not responded to your request to exercise any of the rights stated in clause 10 above, please address your concerns first with our Information Officer. You may also choose to submit a complaint to the Information Regulator.

Information Officer	Obakeng Madikela
Address	First Floor Block A Knightsbridge 33 Sloane Street Bryanston 2191
Telephone number	**+27 (0)11 028 3100**
Email address	**omadikela@emira.co.za**

Information Regulator	
Address	JD House 27 Stiemens Street Braamfontein Johannesburg 2001
Telephone number	
Email address	complaints.IR@justice.gov.za
Web Address	https://www.justice.gov.za/inforeg/contact.html

The Tenant hereby agrees that they have read the terms and conditions recorded in this documents and agrees to be bound by them.