

PRIVATE OCEAN ISLANDS

PROTECTION OF PERSONAL INFORMATION POLICY (PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013)

INDEX

Item	Section	Page
1	INTRODUCTION	2
2	DEFINITIONS	2
3	POLICY STATEMENT	4
4	PRIVACY STATEMENT	4
5	COLLECTION OF PERSONAL INFORMATION	4
6	RETENTION OF PERSONAL INFORMATION	6
7	FURTHER PROCESSING OF PERSONAL INFORMATION	6
8	INFORMATION QUALITY	6
9	OPENNESS	7
10	SECURITY SAFEGUARDS	7
11	NOTIFICATION OF SECURITY COMPROMISES	8
12	DATA SUBJECT PARTICIPATION	8
13	SPECIAL PERSONAL INFORMATION	8
14	INFORMATION OFFICER	9
15	POPIA AUDIT	10
16	DISCIPLINARY ACTION	10
17	FORM 1 – OBJECTION TO PROCESSING OF PERSONAL INFORMATION	11
18	FORM 2 – REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION	13
19	FORM 4 - REQUEST DATA SUBJECT'S CONSENT TO PROCESS PI FOR THE PURPOSE OF DIRECT MARKETING	15
20	FORM 5 – SUBMISSION OF COMPLAINT TO THE REGULATOR	17
21	FORM 7 – INTERNAL	20

1. INTRODUCTION

- 1.1. Private Ocean Islands is obliged to comply with the Protection of Personal Information Act 4 of 2013 (POPIA).
- 1.2. Private Ocean Islands is committed to protecting the constitutional right to privacy and to protecting Personal Information of data subjects.
- 1.3. Private Ocean Islands Ltd will take all reasonable steps to protect the Personal Information of data subjects.
- 1.4. Data (including Personal Information) is essential to the administrative duties of Private Ocean Islands. There is a balance to be struck between the individual's right to privacy and the legitimate administrative requirements of Private Ocean Islands
- 1.5. Private Ocean Islands, in performing its functions, may collect, hold, use or disseminate Personal Information.
- 1.6. This Policy contains information about how Private Ocean Islands processes Personal Information and about how data subjects may access and correct Personal Information held by Private Ocean Islands.
- 1.7. Private Ocean Islands will only process Personal Information in accordance with POPIA and other applicable laws.

2. DEFINITIONS

- 2.1. "data subject" means the person to whom the Personal Information relates;
- 2.2. "information officer" of, or in relation to, a-
 - (a) public body means an information officer or deputy information officer as contemplated in terms of section 1 or 17 of the Promotion of Access to Information Act, 2 of 2000; or
 - (b) private body means the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act 2 of 2000;
- 2.3. "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;
- 2.4. "person" means a natural person or a juristic person;
- 2.5. "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-

- (a) information relating to the race, gender, sex, pregnancy, marital status, national ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person;
- (b) information relating to the education or the medical, financial, criminal or employment history of the person,
- (c) any identity number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- (d) the biometric information of the person;
- (e) the personal opinions, views or preferences of the person;
- (f) 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;
- (g) the views or opinions of another individual about the person; and
- (h) 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;

2.6. "private body" means –

- (a) a natural person who carries or has carried on any trade, business, or profession, but only in such capacity;
- (b) a partnership which carries or has carried on any trade, business or profession; or any former or existing juristic person, but excludes a public body;

2.7. "processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including-

- (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- (b) dissemination by means of transmission, distribution or making available in any other form; or
- (c) merging, linking, as well as restriction, degradation, erasure or destruction of information;

2.8. "record" means any recorded information –

- (a) regardless of form or medium, including any of the following:
 - (i) writing on any material;

- (ii) 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;
 - (iii) label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
 - (iv) book, map, plan, graph or drawing;
 - (v) 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;
- (b) in the possession or under the control of a responsible party; and
 - (c) whether or not it was created by a responsible party; and
 - (d) regardless of when it came into existence;
- 2.9. “responsibly 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;
- 2.10. “special personal information” means Personal Information as referred to in section 26 of POPIA.

3. POLICY STATEMENT

This policy is designed to guide officials in meeting the requirements of lawful processing of Personal Information.

4. PRIVACY STATEMENT

- 4.1. Private Ocean Islands’s Web Site is offered to users conditioned on their acceptance of the terms, conditions and notices contained in the Privacy Statement.
- 4.2. The user’s use of the Web Site constitutes in the user’s agreement to all such terms, conditions and notices as detailed in the Terms of Use.

5. COLLECTION OF PERSONAL INFORMATION

- 5.1. Section 10 of POPIA states that “*Personal Information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive*”.

- 5.2. Private Ocean Islands generally only processes Personal Information if the data subject consents to the processing, or if the processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is a party, or if processing complies with an obligation imposed by law, or if processing is necessary for the proper performance of a public law duty.
- 5.3. Private Ocean Islands also processes Personal Information where processing protects a legitimate interest of the data subject or where processing is necessary for pursuing the legitimate interests of Private Ocean Islands or of a third party to whom the information is supplied.
- 5.4. The type of Personal Information processed will depend on the purposes for which it is collected and will be processed for these purposes only.
- 5.5. Private Ocean Islands shall collect, as far as is reasonably possible, Personal Information directly from the data subject except where Personal Information is collected from a public record, or where the data subject has given his or her written consent to collect his or her Personal Information from another source, or where collection of Personal Information from another source will not prejudice any of the data subject's legitimate interests, or where collection from another source is necessary (a) to avoid prejudice to the maintenance of the law by Private Ocean Islands , (b) to comply with an obligation imposed by law, (c) for the conduct of proceedings in any court or tribunal, (d) in the interests of national security, or (e) to maintain the legitimate interests of Private Ocean Islands or of a third party to whom the information is supplied, or where collection directly from the data subject would prejudice the purpose of the collection, or where collection directly from the data subject is not reasonably practicable in the circumstances.
- 5.6. Personal information shall be collected for a specific, explicitly defined and lawful purpose related to a function or activity of Private Ocean Islands.
- 5.7. Private Ocean Islands shall, when collecting Personal Information, take reasonably practicable steps to ensure that the data subject is aware of the following:
 - (a) the information being collected and where the information is not collected directly from the data subject, the source from which it is collected,
 - (b) the purpose for which the information is being collected
 - (c) the consequences of any failure to provide the information, except where any failure to do so would not prejudice the legitimate interests of the data subject or where any failure to do so is necessary to avoid prejudice in the maintenance of

the law by Private Ocean Islands, or where any failure to do so is necessary to comply with an obligation imposed by law, or where any failure to do so is necessary for the conduct of proceedings in any court or tribunal, or in the interests of national security, or where any failure to do so is necessary to avoid prejudice to a lawful purpose for the collection, or where any failure to do so is because it is not reasonably practicable to do so in the particular circumstances.

5.8. Private Ocean Islands collects Personal Information such as name, identity number, passport number and details, age, health status, telephone numbers, addresses and email address.

5.9. Private Ocean Islands collects Personal Information relating to its officials such as name, identity number, age, race, gender, marital status, academic qualifications, skills, experience, address and telephonic contact details.

6. RETENTION OF PERSONAL INFORMATION

6.1. Private Ocean Islands shall not retain records of Personal Information for any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed, unless (a) the retention of the record is required or authorised by law, (b) Private Ocean Islands reasonably requires the record for lawful purposes related to its functions or activities, (c) retention of the record is required by a contract Private Ocean Islands is party to.

6.2. Private Ocean Islands will destroy or delete records of Personal Information as soon as reasonably practicable after Private Ocean Islands is no longer authorised to retain the record.

7. FURTHER PROCESSING OF PERSONAL INFORMATION

Private Ocean Islands shall take all reasonably practicable steps to ensure that further processing of Personal Information is in accordance or compatible with the purpose for which it was originally collected.

8. INFORMATION QUALITY

Private Ocean Islands shall take all reasonably practicable steps to ensure that Personal Information is complete, accurate, not misleading and updated where necessary.

9. OPENNESS

- 9.1. Private Ocean Islands shall maintain the documentation of all processing operations under its responsibility as is referred to in Section 17 of POPIA.
- 9.2. Private Ocean Islands's Manual in terms of Section 51 of PAIA is amended to provide for an explanatory statement on the purpose of Personal Information processing, a description of the categories of data subjects and of the information or categories of information relating thereto, and of the recipients or categories of recipients to whom the Personal Information may be supplied.

10. SECURITY SAFEGUARDS

- 10.1. Private Ocean Islands shall take all reasonably practicable steps to secure the integrity and confidentiality of Personal Information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent unauthorized access to, loss of, damage to or unauthorised destruction of Personal Information and unlawful access to or processing of Personal Information.
- 10.2. To achieve this, Private Ocean Islands shall take reasonable measures to identify all reasonably foreseeable internal and external risks to Personal Information, to establish and maintain appropriate safeguards against the risks identified, to ensure that safeguards are effectively implemented and to ensure that the safeguards are continually updated.
- 10.3. All Private Ocean Islands employees who process personal information shall treat personal information which comes to their knowledge as confidential and shall not disclose it unless required by law or in the course of the proper performance of their duties.
- 10.4. Private Ocean Islands shall require of all employees to agree terms regulating their consent, responsibilities and confidentiality undertakings.
- 10.5. Private Ocean Islands shall, in terms of a written contract with any and all operators, ensure that the operator maintains all security measures.
- 10.6. Private Ocean Islands requires of all operators to notify of any incident where it is reasonably believed that the Personal Information of a data subject has been accessed or acquired by any unauthorised person.

11. NOTIFICATION OF SECURITY COMPROMISES

Where there are reasonable grounds to believe that the Personal Information of a data subject has been accessed or acquired by any unauthorised person then Private Ocean Islands shall notify the Regulator, and the data subject, subject to any investigation into an offence.

12. DATA SUBJECT RIGHTS / PARTICIPATION

- 12.1. Data subjects have the right to be notified by Private Ocean Islands that their personal information is being collected and of the purpose for which the information is collected before the information is collected.
- 12.2. Data subjects have the right to be notified in any situation where there are reasonable grounds to believe that the personal information of the data subject has been accessed or acquired by an unauthorized person.
- 12.3. Data subjects may request of Private Ocean Islands to confirm, free of charge, whether or not Private Ocean Islands holds Personal Information about the data subject, and to request access to their Personal Information.
- 12.4. Data subjects may request of Private Ocean Islands to provide a record or a description of the Personal Information about the data subject held by Private Ocean Islands, within a reasonable time and at a prescribed fee.
- 12.5. A data subject may request of Private Ocean Islands to correct or delete personal information about the data subject in Private Ocean Islands's possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully, or to destroy or delete a record of personal information about a data subject which Private Ocean Islands is no longer authorised to retain.
- 12.6. Data subjects have the right, on reasonable grounds, to object to the processing of their personal information, unless legislation provides for such processing.

13. SPECIAL PERSONAL INFORMATION

Private Ocean Islands shall not, subject to the statutory exclusions, process 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 the data subject of any offence or any proceedings in respect of any offence committed by a data subject or the disposal of such proceedings.

14. INFORMATION OFFICER

14.1. Private Ocean Islands has appointed and registered the Information Officer and one (1) Deputy Information Officer.

14.2. The appointed Officers are responsible for:

- (a) the encouragement of compliance, by Private Ocean Islands, with the conditions for the lawful processing of Personal Information;
- (b) dealing with requests made to Private Ocean Islands pursuant to POPIA;
- (c) working with the Regulator in relation to investigations conducted pursuant to Chapter 6 of POPIA in relation to Private Ocean Islands;
- (d) otherwise ensuring compliance by Private Ocean Islands with the provisions of POPIA; and as may be prescribed.

14.3. An Information Officer shall, in addition to the responsibilities referred to in section 55(1) of POPI, ensure that-

- (a) a compliance framework is developed, implemented, monitored and maintained;
- (b) a Personal Information impact assessment is done to ensure that adequate measures and standards exist in order to comply with the conditions for the lawful processing of Personal Information;
- (c) a manual is developed, monitored, maintained and made available as prescribed in sections 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);
- (d) internal measures are developed together with adequate systems to process requests for information or access thereto; and
- (e) internal awareness sessions are conducted regarding the provisions of POPIA, regulations made in terms of POPIA, codes of conduct, or information obtained from the Regulator.

14.4. The Information Officer shall upon request by any person, provide copies of the manual prescribed in section 51 of the Promotion of Access to Information Act, 2 of 2000, to that person upon the payment of a fee to be determined by the Regulator from time to time.

15. POPIA AUDIT

15.1. The Information Officer will schedule periodic POPIA Audits.

15.2. The purpose of a POPIA Audit is to:

- Identify the processes used to collect, record, store, disseminate and destroy personal information.
- Determine the flow of Personal Information throughout the organisation.
- Redefine the purpose for gathering and processing Personal Information.
- Ensure that the processing parameters are still adequately limited.
- Ensure that new data subjects are made aware of the processing of their Personal Information.
- Re-establish the rationale for any further processing where information is received via a third party.
- Verify the quality and security of Personal Information.
- Monitor the extent of compliance with POPIA and this Policy.
- Monitor the effectiveness of internal controls established to manage the organisation's POPIA related compliance risk.

15.3 In performing the POPIA Audit, Information Officers will liaise with line managers in order to identify areas within the organisation's operation that are most vulnerable or susceptible to the unlawful processing of Personal Information.

15.4 Information Officers will be permitted direct access to and have demonstrable support from line managers and the organisation's governing body in performing their duties.

16. DISCIPLINARY ACTION

Where a POPIA complaint or a POPIA infringement investigation has been finalised, Private Ocean Islands may recommend any appropriate administrative, legal and/or disciplinary action to be taken against any employee reasonably suspected of being implicated in any non-compliant activity outlined within this policy.

Any gross negligence or the wilful mismanagement of Personal Information will be considered a serious form of misconduct for which Private Ocean Islands may summarily dismiss the employee.

PRIVATE OCEAN ISLANDS POPIA POLICY

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):	
Fax number / 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):	
Fax number / E-mail address:	

C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at _____ this _____ day of _____ 20_____.

Signature of data subject / designated person

PRIVATE OCEAN ISLANDS POPIA POLICY

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:

1. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
2. *If the space provided for in this Form is adequate, submit information as an Annexure to this Form and sign each page.*
3. *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 deleting 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 THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier / Identity Number	
Residential, postal or business address:	
	Code()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY

Name(s) and surname / registered name of data subject:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / 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 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 _____ this _____ day of _____ 20_____

Signature of data subject / designated person

PRIVATE OCEAN ISLANDS POPIA POLICY

FORM 4

APPLICATION FOR THE CONSENT OF A DATA SUBJECT FOR THE PROCESSING OF PERSONAL INFORMATION FOR THE PURPOSE OF DIRECT MARKETING IN TERMS OF SECTION 69(2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 6]

TO:

(Name of data subject)

FROM:

Contact Number (s):

Fax number:

Email address:

(Name, address and contact details of responsible party)

Full names and designation of person signing on behalf of responsible party:

Signature of designated person

Date: _____

PART B

I, _____ (full names of data subject)
hereby:

Give my consent.

To receive direct marketing of goods or services to be marketed by means of electronic communication.

SPECIFY GOODS or SERVICES:

SPECIFY METHOD OF COMMUNICATION: FAX:

E-MAIL:

SMS:

OTHERS – SPECIFY:

Signed at _____ this _____ day of _____ 20_____

Signature of data subject

PRIVATE OCEAN ISLANDS POPIA POLICY

FORM 5

**COMPLAINT REGARDING INTERFERENCE WITH THE PROTECTION OF
PERSONAL INFORMATION / COMPLAINT REGARDING DETERMINATION OF AN
ADJUDICATOR IN TERMS OF SECTION 74 OF THE PROTECTION OF PERSONAL
INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION,
2018
[Regulation 7]**

Note:

1. *Affidavits or other documentary evidence as applicable in support of the request 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.*

Mark the appropriate box with an "x".

Complaint regarding:

Alleged interference with the protection of personal information.

Determination of an adjudicator.

PART I	ALLEGED INTERFERENCE WITH THE PROTECTION OF THE PERSONAL INFORMATION IN TERMS OF SECTION 74 (1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (Act No. 4 of 2013)
A	PARTICULARS OF COMPLAINANT
Name (s) and surname / registered name of data subject:	
Unique Identifier / Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	

B	PARTICULARS OF RESPONSIBLE PARTY INTERFERING WITH PERSONAL INFORMATION
Name (s) and surname / Registered name of responsible party:	
Residential, postal or business address	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
C	REASON FOR COMPLAINT <i>(Please provide detailed reasons for the complaint)</i>
PART II	COMPLAINT REGARDING DETERMINATION OF ADJUDICATOR IN TERMS OF SECTION 74 (2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.4 OF 2013)
B	PARTICULARS OF COMPLAINANT
Name (s) and surname / registered name of data subject:	
Unique Identifier / Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	PARTICULARS OF ADJUDICATOR AND RESPONSIBLE PARTY
Name (s) and surname / Registered name of responsible party:	
Residential, postal or business address	
	Code ()
Contact number(s):	

Fax number / E-mail address:	
C	REASONS FOR COMPLAINT <i>(Please provide detailed reasons for the grievance)</i>

Signed at _____ this _____ day of _____ 20__

Signature of data subject / designated person

PRIVATE OCEAN ISLANDS POPIA POLICY

FORM 7 (Internal)

RIGHT TO BE INFORMED THAT PERSONAL INFORMATION IS BEING COLLECTED IN TERMS OF SECTION 18 OF THE PROTECTION OF PERSONAL INFORMATION ACT 2013 (ACT NO. 4 OF 2013); RIGHT TO ESTABLISH WHETHER A RESPONSIBLE PARTY HOLDS PERSONAL INFORMATION AND TO REQUEST ACCESS TO PERSONAL INFORMATION IN TERMS OF SECTION 23 OF THE PERSONAL INFORMATION ACT 2013 (ACT NO.4 OF 2013).

Please submit the completed form to the Information Officer:	
Name	
Contact Number	
Email Address	

Please be aware that we may require you to provide proof of identification prior to processing your request.

There may also be a reasonable charge for providing copies of the information requested.

A. Particulars of Data Subject	
Name & Surname:	
Identity Number:	
Postal Address:	
Contact Number:	
Email Address:	
B. Request	
I request the organisation to:	
(a) Inform me whether personal information about me is being collected (Section 5, POPIA)	<input type="checkbox"/>
(b) Inform me whether it holds my personal information (Section 23, POPIA)	<input type="checkbox"/>
(c) Provide me with a record or description of my personal information	<input type="checkbox"/>

C. Instructions
D. Signature Page
Signature
Date