

## In Summary

We may ask for your personal info, and your permission for us to use it, from time to time, but only in order to facilitate your property transaction needs, tell you things you need to know about home, sales or rentals, and let you know about every step of the home owning, selling, buying, letting or renting process. We'll only ever use your personal info in accordance with this policy. We've always looked after our clients' personal info... Being POPIA-compliant is just an opportunity for us to do more and add more value!

### Definitions

In this policy (as defined below), unless the context requires otherwise, the following terms will have the meanings given to them:

#### Applicable laws

- Any laws applicable to personal data and personal information, including any statute, regulation, notice, policy, directive, ruling or subordinate legislation, the common law, any binding court order, judgment or ruling, any applicable industry code, policy or standard enforceable by law, or any applicable direction, policy or order that's given by any regulator, competent authority or organ of state or statutory industry body

#### .Child

- Any natural person under the age of 18 years.

#### Client

- Any natural person (or, where applicable) juristic person, who's concluded an agreement with Leadhome in terms of which such person has either enquired about the use of our home sales, leasing and other property related ancillary services.

#### Competent person

- Anyone who's legally competent to consent to any action or decision being taken by any matter concerning a juristic person or child, for example a director, parent or legal guardian.

#### Controller

- Leadhome, in circumstances where it processes personal data (as defined in Article 4 of the GDPR).

#### Data subject

- Leadhomes clients, potential clients or any third party in respect of whom Leadhome processes personal information/personal data.

#### GDPR

- The General Data Protection Regulation, which is a European law that governs all collection and processing of personal data from individuals inside the European Union.

#### Operator

- A person or entity who processes personal information/data for a responsible party.

#### Personal data (as defined in Article 4 of the GDPR)

- Any information relating to an identified or identifiable natural person (data subject). An identifiable natural person is one who can be identified, directly or indirectly.

#### Personal information

- Will have the same meaning as is given in Section 1 of POPIA.

#### Policy

- This data protection and privacy policy.

#### POPIA

- The Protection of Personal Information Act No. 4 of 2013.

#### Processing

- Any operation or activity or any set of operations, whether or not by automatic means, concerning personal information/personal data, including:
  - Its 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.
  - Merging, linking, blocking, degradation, erasure or destruction. For the purposes of this definition, 'process' has a corresponding meaning.

#### Regulator/s

- Any applicable regulatory authority, including the Information Regulator established in terms of POPIA.

#### Responsible party

- In the context of this policy, Leadhome( Pty) Ltd.

#### Leadhome

- Leadhome ( PTY) Ltd, FFC No F142351 , reg no. 2013/146338/07

#### Special personal information/data

- Personal information/personal data concerning, amongst other aspects contemplated in terms of Section 26 of Part B of POPIA, a data subject's religious beliefs, race or ethnic origin, trade union membership, political persuasion, health, sex life, biometric data, or criminal behaviour.

#### Third party

- Any employee, independent contractor, agent, consultant, broker, portal , sub-contractor, regulator/s, user of Leadhomes websites or mobile app interfaces, or other representative of Leadhome.

#### Website

- The website/s owned and operated by Leadhome inclusive of leadhome.co.za

#### Self-service portal/Bloom

- Any of Leadhomes internet-based sites which enable clients to manage their individual profiles or share personal information/special personal information with Leadhome.

#### Sale

- Any sole mandate, open mandate, verbal mandate, showday data collection point, property viewing collection point, conclusion of the sale agreement

#### Leases

Sole mandates, open mandates, verbal mandates, property viewing collection point, rental applications, conclusion of lease agreement

## **Introduction**

This policy regulates the processing of personal information/personal data by Leadhome and sets forth the requirements with which Leadhome undertakes to comply when processing personal information/personal data pursuant to undertaking its operations and fulfilling its contractual obligations in respect of data subjects and third parties in general.

Leadhome 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/personal data is handled with a reasonable standard of care as may be expected from it. Leadhome is therefore committed to ensuring that it complies with the requirements of POPIA, and also with the terms of the GDPR to the extent that the GDPR applies.

When a data subject or third party engages with Leadhome, whether it be physically or via any digital, electronic interface such as Leadhomes website, Property portal self-service portal or mobile app, the data subject or third party acknowledges that they trust Leadhome to process their personal information/personal data.

All data subjects and third parties have the right to object to the processing of their personal information/ personal data. Acceptance of the terms and conditions contained in this policy is voluntary. Leadhome does however require the data subject or third party's acceptance to enable Leadhome to safely and effectively provide sales or leasing services with a data subject, liaise with a data subject, exercise its right, or enforce obligations as they arise from the applicable relationship and comply with applicable laws.

### **Purpose and application**

The purpose of this policy isn't only to inform data subjects on how Leadhome processes their personal information/personal data, but also to establish a standard by which Leadhome and its employees and representatives will comply in as far as the processing of personal information/personal data is concerned.

Leadhome, in its capacity as a responsible party/operator/controller (as the case may be) will strive to observe and comply with its obligations under POPIA and the GDPR (as may be applicable and to the extent necessary) when it processes personal information/personal data from or in respect of any data subject.

### **Collecting and processing of personal information/personal data**

Whenever any data subject completes an application form, contacts Leadhome electronically or telephonically, or uses one of the products, services, facilities, tools or utilities offered by Leadhome through its website, Property Portal, self-service portal or mobile app, Leadhome will in effect be processing the data subject's personal information/personal data.

From time to time, it may be that Leadhome has collected a data subject's personal information/personal data from other sources. In the event that a data subject has shared their personal information/personal data with any third parties, Leadhome won't be responsible for any loss suffered by the data

subject, their dependents, beneficiaries, spouse/s or employees (as the case may be).

Leadhome will process personal information/personal data in order to facilitate and enhance the delivery of products and services to its clients, foster a legally compliant workplace environment, as well as safeguard the personal information/personal data relating to any data subjects which it in fact holds. In such an instance, the data subject providing Leadhome with such personal information/personal data will confirm that they're a competent person and that they have authority to give the requisite consent to enable Leadhome to process such personal information/personal data.

Leadhome undertakes to process any personal information/personal data in a manner which promotes the data subject's constitutional right to privacy, retains accountability and data subject participation. In supplementation of the above, Leadhome will process personal information/personal data for the following purposes:

- To provide or manage any information, products, or services requested by data subjects.
- To establish a data subject's needs, wants and preferences in relation to the products/services provided by Leadhome.
- To identify a data subject's risk profile and make an election as to whether Leadhome wishes to enter into a contractual relationship with the data subject and if so, on what terms.
- To help Leadhome identify data subjects when they contact Leadhome.
- To facilitate the delivery of products/services to clients.
- To allocate unique identifiers to clients for the purpose of securely storing, retaining and recalling such data subject's personal information/personal data 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 Leadhomes employees and clients.
- To retain the records of agents and support staff.
- To monitor access, secure, and manage any facilities owned or operated by Leadhome regardless of location in South Africa.
- To transact with third parties.
- To improve the quality of Leadhome products and services.
- To detect and prevent money laundering.
- To analyse the personal information/personal data collected for research and statistical purposes.
- To help recover bad debts.
- To transfer personal information/personal data across the borders of South Africa to other jurisdictions.
- To carry out screening, analysis and client profiling.
- To identify other products and services which might be of interest to our clients and data subjects in general, as well as to inform them of such products/services.
- To obtain and share information about a data subject's credit-worthiness and risk profile with any credit bureau or credit provider's industry association or industry body, which includes information pertaining to a data subject's credit history, claims history, financial history, judgements, default history and sharing information for purposes of risk analysis, tracing and related purposes.

When collecting personal information/personal data from a data subject, Leadhome will comply with the notification requirements as set out in Section 18 of POPIA, and to the extent applicable, Articles 13 and 14 of the GDPR.

Leadhome will collect and process personal information/personal data in compliance with the conditions as set out in POPIA and the processing principles in the GDPR (as the case may be), to ensure that it protects the data subject's privacy.

Leadhome won't process the personal information/personal data of a data subject for any purpose other than for the purposes set forth in this policy, unless Leadhome is permitted or required to do so in terms of applicable laws or otherwise by law.

Leadhome may from time to time process personal information/personal data by making use of automated means (without deploying any human intervention in the decision making process) to make decisions about the data subject or their application. In this instance it's specifically recorded that the data subject may object to or query the outcomes of such a decision.

### **Personal information/personal data for direct marketing purposes**

Leadhome acknowledges that it may only use personal information/personal data to contact data subjects for purposes of direct marketing where Leadhome has complied with the provisions of POPIA and GDPR (where applicable) and when it's generally permissible to do so in terms of applicable laws.

Leadhome will ensure that a reasonable opportunity is given to all data subjects to object (opt-out) to the use of their personal information/personal data for Leadhome's marketing purposes when collecting the personal information/personal data and on the occasion of each communication to the data subject for purposes of direct marketing.

### **Storage and retention of personal information/personal data**

Leadhome will retain personal information/personal data it has processed, in an electronic or hard copy file format, with a third party service provider appointed for this purpose.

Personal information/personal data will only be retained by Leadhome for as long as necessary to fulfil the purposes for which that personal information/personal data was collected, or as permitted in terms of applicable law.

It's specifically recorded that any data subject has the right to object to the processing of their personal information and Leadhome will retain and store the data subject's personal information/personal data for the purposes of dealing with such an objection or enquiry as soon and as swiftly as possible.



## **Failure to provide personal information**

Where Leadhome is required to collect personal information/personal data from a data subject by law or in order to fulfil a legitimate business purpose of Leadhome, and the data subject fails to provide such personal information/personal data, Leadhome may, on notice to the data subject, decline to render services without any liability to the data subject.

## **Securing personal information/personal data**

Leadhome has implemented appropriate, reasonable, physical, organisational, contractual and technological security measures to secure the integrity and confidentiality of personal information/personal data, including measures to protect against the loss or theft, unauthorised access, disclosure, copying, use or modification of personal information/personal data in compliance with applicable laws.

In further compliance with applicable laws, Leadhome will take steps to notify the relevant regulator/s 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.

Notwithstanding any other provisions of this policy, it should be acknowledged that the transmission of personal information/personal data, whether it be in person, via the internet or any other digital data transferring technology, isn't completely secure. While Leadhome has taken all appropriate, reasonable measures to secure the integrity and confidentiality of the personal information/personal data it processes, in order to guard against the loss of, damage to, or unauthorised destruction of, personal information/personal data and unlawful access to (or processing of) personal information/personal data, Leadhome in no way guarantees that its security system is 100% secure or error-free. Therefore, Leadhome doesn't guarantee the security or accuracy of the information (whether it be personal information/personal data or not) which it collects from any data subject.

Any transmission of personal information/personal data will be solely at the own risk of the data subject. Once Leadhome has received the personal

information/personal data, it'll deploy and use strict procedures and security features to try and prevent unauthorised access to it. As indicated above, Leadhome reiterates that it restricts access to personal information/personal data to third parties who have a legitimate operational reason for having access to such personal information/personal data. Leadhome also maintains electronic and procedural safeguards that comply with the applicable laws to protect your personal information from any unauthorised access.

By accepting the terms and conditions to which this policy relates, the data subject agrees to indemnify and hold Leadhome harmless for any security breaches which may potentially expose the personal information/personal data in Leadhomes possession to unauthorised access or the unlawful processing of such personal information/ personal data by any third party.

### **Provision of personal information/personal data to third parties**

Leadhome may disclose personal information/personal data to third party service providers where necessary to achieve the purpose/s for which the personal information/personal data was originally collected and processed. Leadhome 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/personal data provided to it by Leadhome from time to time.

### **Transfer of personal information/personal data outside of South Africa**

Leadhome may, under certain circumstances, transfer personal information/personal data to a jurisdiction outside of South Africa in order to achieve the purpose/s for which the personal information/personal data was collected and processed, including for processing and storage by third party service providers.

Leadhome will obtain the data subject's consent to transfer the personal information/personal data to such foreign jurisdiction unless consent isn't required by applicable law.

The data subject should also take note that, where the personal information/personal data is transferred to a foreign jurisdiction, the processing of personal information/personal data in the foreign jurisdiction may be subject to the laws of that foreign jurisdiction.

### **Access to personal information/personal data**

A data subject has the right to a copy of the personal information/personal data which is held by Leadhome (subject to a few limited exemptions as provided for under applicable law).

The data subject must make a written request (which can be sent by email) to the information officer designated by Leadhome from time to time.

Leadhome will provide the data subject with any such personal information/personal data to the extent required by applicable law and subject to and in accordance with the provisions of Leadhome's PAIA manual published in terms of Section 51 of the Promotion of Access to Information Act 2000 (PAIA), which can be sourced on Leadhome's website at [www.leadhome.co.za](http://www.leadhome.co.za).

The data subject can challenge the accuracy or completeness of their personal information/personal data in Leadhomes records at any time in accordance with the process set out in Leadhomes PAIA manual.

Keeping personal information/personal data accurate.

Leadhome will take reasonable steps to ensure that personal information/personal data that it processes is kept updated where reasonably possible.

Leadhome may not always expressly request the data subject to verify and update their personal information/ personal data and expects that the data subject will notify Leadhome from time to time in writing:

- Of any updates or amendments required in respect of their personal information/personal data.

- Where the data subject requires Leadhome to delete their personal information/personal data.
- Where the data subject wishes to restrict the processing of their personal information/personal data.

### **Costs to access personal information/personal data**

The prescribed fees to be paid for copies of the data subject's personal information/personal data are listed in Leadhomes PAIA manual.

Leadhome reserves the right to make amendments to this policy from time to time.

### **Complaints to the Information Regulator**

In the event that any data subject or third party is of the view or belief that Leadhome has processed their personal information/personal data 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 Leadhome, failing which the data subject or third party will have the right to lodge a complaint with the Information Regulator, under the provisions of POPIA.

The contact details of the Information Regulator are:

Physical address

33 Hoofd Street,

Forum III, 3rd Floor

Braampark,

Johannesburg, 2001

Contact person

Marks Thibela

Position

Chief executive officer

Work no.

+27 10 023 5207

Phone no.

082 746 4173

Email

infoereg@justice.gov.za

Contacting us

All comments, questions, concerns or complaints regarding personal information/personal data or this policy, should be forwarded to Leadhomes information officer.

Information officer

Name

Marcél du Toit

Email

marcel.dutoit@leadhome.co.za

Deputy information officer

Name

Harry Hattingh

Email

harry.hattingh@leadhome.co.za