

PRIVACY POLICY

Protection of Personal Information Act 4 of 2013

1. INTRODUCTION

Norgarb Properties (“us”, “we”, or “our”) is a Real Estate Agency that provides property sales and/or rental services. Our agency is committed to respecting your privacy and committed to protecting your personal data as required in terms of the **Protection of Personal Information (POPI) Act 4 of 2013** and the **General Data Protection Regulations (GDPR) 2018**.

This Privacy Policy sets out the privacy practices for our agency. In this policy, we state how we process personal data collected about you via your interactions with our online content, such as contact forms and tools, and/or provided directly by you as well as storing, sharing and maintaining of your information when you use our site.

Please read this statement carefully to understand why data is being collected and what we do with that data. By accessing, browsing or otherwise using our website, you confirm that you have read, understood and agree to the terms of this Privacy Policy, and therefore, you agree to the collection and use of your data in accordance with this statement, until further notice or update of your preferences.

Our website (www.norgarbproperties.co.za) and services may contain links to other independent websites. These sites may ask you to provide information to them. Please be aware that such requests and information provided is not under our control, and we are not responsible for the privacy practices of any third party sites or services. We encourage you to be aware when you leave our website to read the privacy statement of each and every website you visit.

We may change this policy from time to time by updating this page. You should check this page from time to time to ensure you are happy with any changes.

2. INFORMATION COLLECTED AND USED

2.1. Information we collect from you

When you access our website and/or register your interest in the use of our services, we may ask you to provide us with certain personally identifiable information that can be used to contact or identify you and to record your use of our Service. Norgarb Properties or any other third parties who host, maintain or support our delivery of services, may collect personally identifiable and technical information about you. We collect this information for the purpose of providing the Service, identifying and communicating with you, responding to your requests/inquiries and improving our services.

The personal information we collect from you, may include, but is not limited to, the following:

- Full name and contact details (including your date of birth, contact number, email and physical address).
- Any phone number or email used to get in touch with us.
- Information relating to your identity, residential address, marital status, information about your family members and your and their close associates, and source of funds for a transaction where we are required by law to collect this to comply with the Financial Intelligence Centre Act 2001 and other prescriptive legislation.
- Information on any access requirements you have necessary to enable us to find suitable properties for you, which may consist of special category personal data comprising details of any disability or other health information about you.
- Details about your areas of interest where we wish to send you marketing information about similar products and/or services.

2.1.1. Technical information

The technical information collected is anonymous and will include the usage information about visits to our website (via “cookies” which enables our website to remember information about you and your preferences). The technical information collected includes:

- Internet Protocol (IP) address used to connect your device to the Internet.
- URL click stream to and from our site (including date and time).
- Device operating system and platform.
- Device location data (We may use and store information about your location depending on the permissions you have set on your device. We use this information to provide features of our Service and to improve and customise our services to you. You can enable or disable location services when you use our website at any time, through your device settings.)
- Device’s unique ID & IP Address
- Internet Browser and plugin types and versions.
- Login usernames.
- Time zone settings.
- Pages and/or products viewed and/or searched for.
- Time spent on certain page and page interaction information (such as scrolling, clicks and mouse-overs).
- Methods used to land and exit from the website and/or page.
- Page response times.
- Download errors.
- Other data (“**Log Data**”)

Communication history between you and our company, including a record of the email, telephone and postal correspondence created (i) when you contact us as part of a product or service query; (ii) during the contractual period of the delivery of services.

Where we need to collect personal data by law (for example, to meet our obligations to prevent fraud and money laundering) or under the terms of a contract we have with you, and you fail to provide that data when requested, we may not be able to (i) perform the existing contract and/or services as requested, (ii) enter in a contract and/or services as requested. In this case, we may have to cancel a contract or service you have with us, but we will notify you if this is the case at the time.

2.1.2. Cookies

Cookies are files with a small amount of data, which may include an anonymous unique identifier. We use Functional Cookies that remember who you are as a user of our site. We use them to remember any preferences you may have selected on our site, like saving your username, password or settings. Cookies are sent to your browser from a website and transferred to your device. The Cookies are used to collect information in order to improve our services for you.

You can instruct your browser to refuse all cookies or to indicate when a cookie is being sent. The Help feature on most browsers provides information on how to accept cookies, disable cookies or to notify you when receiving a new cookie.

If you do not accept cookies, you may not be able to use some features of our website and we recommend that you leave them turned on.

2.1.3. Do Not Track disclosure

We do not support Do Not Track (“DNT”). Do Not Track is a preference you can set in your web browser to inform websites that you do not want to be tracked.

You can enable or disable Do Not Track by visiting the Preferences or Settings page of your web browser.

2.1.4. Aggregated statistics

We may collect statistics about the behaviour of visitors to our site. We may display this information publicly or provide it to others. However, Norgarb Properties will not disclose your personally-identifying information.

2.1.5. Social Media

We may operate various social media communities on various platforms such as Facebook, LinkedIn, Youtube and Instagram. When you connect with us via any such platform, we may receive personal information about you. If you share our Website or Website Content on any social media platform your personal information (e.g. your name and the fact that you are interested in anything advertised or displayed on the Website) will be visible to all the visitors of your personal webpage on Facebook and/or Twitter and/or Instagram.

When you use social media websites the terms and conditions (including the privacy policies) of such social media websites will apply to you.

If you disclose your personal information on any of the above social media platforms, Norgarb Properties will not be liable for any loss or damage, howsoever arising (whether direct, indirect or consequential), suffered by you as a result of the disclosure of your personal information to such third parties. Norgarb Properties is not responsible for the processing of personal information or the privacy policies of such social media websites. This Privacy Policy is therefore not applicable to such social media websites.

2.1.6. Our Facebook Page

We have a Facebook business page. When you communicate with us through our Facebook page (for example, when you post a comment, upload media, send a personal message or "Like" our page, we may receive personal information about you (such as your (user) name, profile photo, your hometown, your email address and/or your gender). The manner in which your personal information is used will be described in the applicable Facebook privacy policy. You should read the Facebook privacy policy together with this Privacy Policy and the terms of use and/or other privacy statements on Facebook.

We encourage you to carefully read the Facebook privacy policy, terms of use, and other privacy statements on Facebook which may differ from this Privacy Policy.

2.1.7. Photographs

Our Agents and/or administration staff may upload photographs of your property to our website, associated property portals and social media platforms which will not be subject to your approval. These photographs may result in the identity of your property address.

2.2. Processing your information

We will only process your information in pursuance of our legitimate interest if we receive any requests related to, for example, a product or service, property enquiry, or specific marketing materials. We will use your personal information to fulfil your request.

The legal grounds under data protection legislation for processing your personal data are contained in the Protection of Personal Information Act 4 of 2013 and are as follows:

- It is necessary for the performance of a contract to which you are a party, or to take steps prior to entering into a contract with you, for us to provide you with our products and services;
- You have given us consent to the processing of your personal data for one or more specific purposes, namely (i) where you have given us consent to receive electronic marketing by us and/or (ii) to process your Special Personal Information. You do not need to provide us with marketing consent in order to receive our services;

- It is necessary for the purposes of our legitimate interests, except where our interests are overridden by the interests, rights or freedoms of affected individuals (such as you). To determine this, we shall consider a number of factors, such as what you were told at the time you provided your data, what your expectations are about the processing of the data, the nature of the data, and the impact of the processing on you. Our legitimate interests include processing necessary to improve and to promote our services and product and to better understand our customers' interests and knowledge of the property market and to administer the technical aspects of our service and products;
- Where we need to comply with a legal obligation;
- Where we need to protect your interests (or someone else's interests); and/or
- Where it is needed in the public interest or for official purposes.

2.3. Using your information

We will hold and use personal information about you in the following ways:

- To fulfil our obligations to you when providing you with our estate agency services;
- To share your information with others where necessary to fulfil our estate agency services for you or where acting as agent for a third party on your behalf;
- To comply with our statutory and regulatory obligations, including verifying your identity, prevention of fraud and money laundering and to assess your creditworthiness;
- Communicate with you during the course of providing our services, respond to your enquiries and requests, manage our relationship with you and provide services or marketing material to you, including alerts on a new property for sale, matching your search criteria (where you have opted to receive such material or submitted your details to receive regular information from us via email).
- Statistical purposes so we can analyse figures to help us manage our business and plan strategically for the future;
- To provide you, or to enable third parties to provide you, with information about properties or services we feel may interest you: where you have provided permission for us to do so or, if you are an existing customer where we choose to contact you by electronic means (including newsletter and email) with information about our own properties and services similar to those which you have already obtained from us or negotiated to obtain from us. For those marketing messages you may unsubscribe at any time;
- Track your use of our service, including your navigation of our website in order to improve the website performance and user experience;
- To ensure that content from our website is presented in the most effective manner for you and for your device;
- To notify you about changes to our service.

2.4. Data Retention

We will retain your personal data for different periods depending on the service you have chosen to use us for and/or where we are under regulatory or statutory duties to hold your data for a longer period or need to retain it in the event of a legal claim or complaint.

In compliance with Section 23 of the Financial Intelligence Centre Act (FICA), we will retain FICA documents for at least five years from the date on which the business relationship was terminated or at least five years from the date that a transaction was concluded.

2.5. Sharing your information

We may pass your details to the following entities, persons who carry out certain activities on our behalf as part of us providing our services, in terms of your instruction to us: payment service providers, property management agents, credit reference agencies, cloud computing host providers, technical support service providers, advertising networks services, email marketing services, financial services, business partners, sub-contractors, etc.

We will also pass your details where necessary to your and/or our attorneys, conveyancers or bond originators and those of the other party to your transaction. We will also disclose certain personal information to third parties:

- If our estate agency or substantially all of our assets are acquired by a third party, in which case personal data held by us about our customers will be one of the transferred assets.
- If we are under a duty to disclose or share your personal data in order to comply with any legal or regulatory obligation, or to protect the rights, property, or safety of our agency, our customers, or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection.
- Where required to do so by law or if we believe that such action is necessary to comply with the law and the reasonable requests of law enforcement or to protect the security or integrity of our Service.

We will not share your information with third parties for marketing purposes without first obtaining your prior consent.

3. SECURITY

3.1. Securing your data

We are committed to ensuring that your information is secure. We strive to implement and maintain reasonable, commercially acceptable security procedures and practices appropriate to the nature of the information we store. Your data is held on secure servers with necessary technological and operation measures put in place to safeguard it from unauthorised access, destruction, use, modification, or disclosure, as far as can reasonably be required for purposes of transacting with us. Where possible any identifiable information will be encrypted or minimised.

All information collected via our website is stored electronically and encrypted on a secure cloud database. Together with our website service provider, we are continuously auditing our website's performance and security, to prevent any risk to the website's security and data collection. If you have any reasons to believe that our website is not performing at its best in securing your data, please get in touch via email on compliance@norgarb.co.za.

3.2. Unauthorised access to personal data

The data that we collect from you may be stored and processed by staff who work for us or for one of our suppliers. Such staff may be engaged in the fulfilment of the contract and/or services to you. We have taken all the necessary steps to ensure that your data is treated by them securely and in accordance with this policy.

We undertake business and website audits which enable us to further develop our strict procedures and security features to prevent unauthorised access.

4. YOUR RIGHTS

4.1. Access and update your information

You have a right to request a copy of the personal information we hold about you. You also have the right to request that information we hold about you which may be incorrect, or which has been changed since you first told us, to be updated or removed. These requests are free of charge and can be sent to our Information Officer at compliance@norgarb.co.za.

4.2. Deletion of your data

You can ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing, where you have withdrawn consent for us to process it, where we may have processed your information unlawfully or where we are required to erase your personal data to comply with the law.

Note that we may not always be able to comply with your request to delete if specific legal responsibilities or requirements prohibit us from doing so. This will be communicated to you at the time of your request, if applicable.

4.3. Withdraw your consent

You have the right at any time to withdraw any consent you have given us to process your personal information. Please note if you withdraw your consent it will not affect the lawfulness of any processing of your personal data we have carried out before you withdrew your consent. Should you wish to do so you can change your consent preferences at any time by contacting our Information Officer on **compliance@norgarb.co.za**.

4.4. Restrict or object us using your data

You may ask us to suspend the way in which we are using your information, or object to our processing your data where we are relying on a legitimate interest ground (or those of a third party) and you feel it impacts on your fundamental right to privacy. In some cases where you object, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

Please note that if you want us to restrict or stop processing your data this may impact our ability to provide our services. Depending on the extent of your request we may be unable to continue providing you with our service.

Any queries or concerns about the way in which your data is being used can be sent to our Information Officer at **compliance@norgarb.co.za**.

4.5. Moving your information to another organisation

In the event that we process your data by automated means where you have either provided us with consent for us to use your information or where we used the information to perform a contract with you, you have the right to request that we send to you or to another organisation, a copy of the personal data we hold about you, for example when you are dealing with a different service provider. If you would like us to move, copy, or transfer your information please let our Information Officer know at **compliance@norgarb.co.za**.

4.6. Contact Us

All comments, questions, concerns or complaints regarding your personal information or this Privacy Policy, should be forwarded to us by email.

The Information Officers for Norgarb Properties are:

Tasneem Patelia and Petronella Coleman

Physical Address: 44 2nd Avenue, Harfield Village Claremont

Email: compliance@norgarb.co.za

If you are not satisfied with our response or believe we are processing your personal data not in accordance with the law you can complain to the Information Regulator on: tel +27 (0)10 023 5207; or on inforeg@justice.gov.za.