

1. Policy Statement-

This Policy sets out the obligations of Fairview Development Company (Pty) Ltd, trading as Fairview Estates (from here on referred to as “the Business”) regarding the retention of personal information in respect of the Protection of Personal Information Act (POPIA).

2. Purpose-

This Policy aims to ensure compliance with POPIA and recognises the importance of retaining information for no longer than is necessary for achieving the purpose for which the information was collected or subsequently processed.

3. Scope-

This Policy applies to all documents and electronic transactions within and/or received by the Business. Confidential Information and/or data refers to all information or data disclosed to or obtained by the Business by any means whatsoever.

Data refers to electronic and hard copy representations in any form.

4. Policy-

4.1 Legislation:

4.1.1. In terms of the Companies Act, No. 71 of 2008 and the Companies Amendment Act, No. 3 of 2011, hard copies of the following documents must be retained for 7 years:

4.1.1.1 Any documents, accounts, books, writing, records or other information that a company is required to keep in terms of the Act;

4.1.1.2 Copies of annual financial statements required by the Act;

4.1.1.3 Copies of accounting records as required by the Act.

4.1.2 Copies of the following documents must be retained indefinitely:

4.1.2.1 Registration Certificate.

4.1.3 In terms of the Consumer Protection Act, No. 68 of 2008, the following information on a consumer must be kept for a period of 3 years:

4.1.3.1 Full names, ID number, physical address, postal address and contact details;

4.1.3.2 Services rendered;

4.1.3.3 Costs to be recovered from the consumer;

4.1.3.4 Amounts, sums, values, charges, fees, remuneration specified in monetary terms;

4.1.3.5 Record of advice furnished to the consumer reflecting the basis on which the advice was given.

4.1.4 In terms of the Financial Intelligence Centre Act, No. 38 of 2001, the following information must be kept for a period of 5 years:

4.1.4.1 Whenever an accountable transaction is concluded with a client, the institution must keep record of the identity of the client;

4.1.4.2 The nature of that business relationship or transaction;

4.1.4.3 In the case of a transaction, the amount involved and the parties to that transaction;

4.1.4.4 All accounts that are involved in the transactions concluded by that accountable institution in the course of that business relationship and that single transaction.

4.1.5 In terms of the Basic Conditions of Employment Act, No. 75 of 1997, the following information must be kept for a period of 3 years:

4.1.5.1 Written particulars of an employee after termination of employment;

4.1.5.2 Employee’s name and occupation;

4.1.5.3 Time worked by each employee;

4.1.5.4 Remuneration paid to each employee.

4.2 The Protection of Personal Information Act (POPIA):

- 4.2.1 Records of personal information must not be retained any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed, unless:
- 4.2.1.1 retention of the record is required or authorised by law;
 - 4.2.1.2 the responsible party reasonably requires the record for lawful purposes related to its functions or activities;
 - 4.2.1.3 retention of the record is required by a contract between the parties thereto; or
 - 4.2.1.4 the data subject or a competent person where the data subject is a child has consented to the retention of the record.
- 4.2.2 Records of personal information may be retained for periods in excess of those contemplated in clause 4.2.1 for historical, statistical or research purposes if the responsible party has established appropriate safeguards against the records being used for any other purposes.
- 4.2.3 A responsible party that has used a record of personal information of a data subject to make a decision about the data subject, must—
- 4.2.3.1 retain the record for such period as may be required or prescribed by law or a code of conduct; or
 - 4.2.3.2 if there is no law or code of conduct prescribing a retention period, retain the record for a period which will afford the data subject a reasonable opportunity, taking all considerations relating to the use of the personal information into account, to request access to the record.
- 4.2.4 A responsible party must destroy or delete a record of personal information or de-identify it as soon as reasonably practicable after the responsible party is no longer authorised to retain the record.
- 4.2.5 The destruction or deletion of a record of personal information in terms of clause 4.2.4 must be done in a manner that prevents its reconstruction in an intelligible form.
- 4.2.6 The responsible party must restrict processing of personal information if—
- 4.2.6.1 its accuracy is contested by the data subject, for a period enabling the responsible party to verify the accuracy of the information;
 - 4.2.6.2 the responsible party no longer needs the personal information for achieving the purpose for which the information was collected or subsequently processed, but it has to be maintained for purposes of proof;
 - 4.2.6.3 the processing is unlawful and the data subject opposes its destruction or deletion and requests the restriction of its use instead; or
 - 4.2.6.4 the data subject requests to transmit the personal data into another automated processing system.
- 4.2.7 Personal information referred to in clause 4.2.6 may, with the exception of storage, only be processed for purposes of proof, or with the data subject's consent, or with the consent of a competent person in respect of a child, or for the protection of the rights of another natural or legal person or if such processing is in the public interest.
- 4.2.8 Where processing of personal information is restricted pursuant to clause 4.2.6, the responsible party must inform the data subject before lifting the restriction on processing.