

Introduction

At Property Engine Software Technologies (Pty) Ltd (“Property Engine”, “we”, “us”, “our”), we respect your privacy and is committed to protecting your Personal Information. This policy (“Policy”) explains how we process Personal information and what your privacy rights are as established in terms of applicable data protection and privacy laws.

It is important that you read this Policy together with any other privacy policy or fair processing policy we may provide on specific occasions when we are collecting or processing Personal Information about you so that you are fully aware of how and why we are using your information.

By submitting Personal Information to us it will be seen as your Consent to us to process the Personal Information. Reference to “consent”, “your consent” or “your explicit consent” shall include the ticking of a tick box or clicking on a “Subscribe”, “Submit”, “Save” or “I agree” button or sending a reply by email after we have made our Privacy Policy available to you.

1) IMPORTANT INFORMATION AND WHO WE ARE

a) Responsible party

- i) **As Responsible party:** We act as Responsible Party where we process your Personal Information via any of our websites (including any website for a particular brand of ours, i.e. HelloHouse), our social media sites or where we Process the Personal Information of potential or existing clients of Property Engine (Property Engine Customer) that make use of the Property Engine Services,
- ii) **As Operator:** As per the nature of our business we make technology available to Property Engine clients to enable them to engage and process their customers Personal Information. Where We Process a Data Subject (i.e. property developer or visitor to their website (i.e. potential property buyer) or Authorised User) Personal information on instructions from a Property Engine Customer, We will act as Operator and the Property Engine Customer will act as the Responsible Party. As Responsible Party the Property Engine Customer has sole responsibility for the legality, reliability, integrity, accuracy and quality of the Personal Information he/she/it or someone on their behalf makes available to Us.
- iii) We have appointed an Information Officer (IO) who is responsible for overseeing questions in relation to this Privacy Policy. If you have any questions about this Privacy Policy, including any requests, or wish to submit a compliant, then please contact the IO using the details set out below.
- iv) Our Information Officer’s contact details:
 - (1) Email address: dataprotection@red-i.co.za.
 - (2) Other contact details and address: See our [CONTACT](#) page (click on link)
- v) You have the right to make a complaint at any time to the [Information Regulator's office](#) (IR), the Republic of South Africa’s authority for data protection issues. **We would, however, appreciate the chance to deal with your concerns before you approach the IR, so please contact us in the first instance.**

b) Changes to the Privacy Policy and your duty to inform us of changes

- i) We keep our Privacy Policy under regular review. Archived versions (if available) can be obtained by contacting us. Any changes made to our Privacy Policy in future will be posted on our website(s) or made available during your engagement with Property Engine Service (including the services under any other Property Engine brand). The new version will apply the moment it is published on our website or incorporated by reference in any of our other policies or other communications or published on any of our Services.
 - ii) It is important that the Personal Information we hold about you, or where you use the Property Engine Services to perform certain services for the benefit of your clients / Data Subject, the Personal Information about them are accurate and current. Please keep us informed if your Personal Information changes during your relationship with us.
- c) **Integration into other sites:** This Privacy Policy applies to Property Engine services and our website(s) only. We do not exercise control over the sites who provide Property Engine services as part of their own offering (including Business Partners and Property Engine Customers). These other Third-party sites may place their own cookies or other files on your computer, collect data or solicit Personal Information from you. We cannot be held responsible for any wrongful handling of end users’ information by other sites or the sites of our clients/ partners.
- d) **Third-party links:** Our website, social media pages or certain of our services may include links to Third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. If you disclose your Personal Information to a Third party, such as an entity which operates a website linked to the Property Engine Platform, Property Engine **SHALL NOT BE LIABLE FOR ANY LOSS OR DAMAGE, HOWSOEVER ARISING, SUFFERED BY YOU AS A RESULT OF THE DISCLOSURE OF SUCH INFORMATION TO THE THIRD-PARTY.** This is because we do not regulate or control how that Third party uses your Personal Information. You should always ensure that you read the privacy policy of any Third party. When you leave our website, we encourage you to read the privacy policy of every website you visit.

2) THE DATA WE COLLECT

- a) Personal Information means the information as per the Definitions. It does not include data where your identity has been removed from the data (anonymous data/de-identified information).

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- b) We may Process different kinds of Personal Information about you which we have grouped together under the following categories:
- i) **Identity Data** includes first name, last name, username or similar identifier, title, date of birth and gender.
 - ii) **Contact Data** includes billing address, physical address, email address and telephone numbers.
 - iii) **Financial Data** includes payment card details.
 - iv) **Transaction Data** includes details about payments to and from you and other details of services you have accessed on our website.
 - v) **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access this website.
 - vi) **Usage Data** includes information about how you use our website and services. This information shall include the full Uniform Resource Locators (URL) Clickstream to, through and from our website (including the date and time) and the services you viewed or searched for, page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs) and methods used to browse away from the page and any phone number used to call us, service transaction instructions from and to you via our APIs.
 - vii) **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.
- c) We also collect, use and share **Aggregated Data** and **Pattern Data** such as (but not limited to) statistical or demographic data or service and/or product transactional data for any purpose. Aggregated Data or Pattern Data could be derived from your Personal Information but is not considered Personal Information in law as this data will not directly or indirectly reveal your (the data subject's) identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature or executing a specific transaction type (where applicable). However, if we combine or connect Aggregated Data or Pattern Data with your Personal Information so that it can directly or indirectly identify you, we will treat the combined data as Personal Information which will be used in accordance with this Privacy Policy.
- d) You may choose to provide additional Personal Information to us, in which event you agree to provide accurate and current information, and not to impersonate or misrepresent any person or entity or falsely state or otherwise misrepresent your affiliation with anyone or anything.
- e) **Special Personal Information and/or Children information:** We do not collect any Special Personal Information or Children information directly from data subjects. However, if we need to process Special Personal Information we will obtain the necessary Consent from you as data subject or Competent Person. Where we (as Operator) Process any Special Personal Information on behalf of a Responsible Party we ensure (contractually) that the Responsible Party agrees to first obtain the data subject's Consent or Competent Person's consent (in terms of information about Children) prior to Processing of said information by us.
- f) **Submission of Personal Information on behalf of data subject:** If you or your Authorised Users provide information on behalf of someone else, then it is your responsibility to:-
- i) ensure that the necessary Consent has been obtained from the data subject (including consent to transfer Personal Information to Us) before making the Personal Information available to us. On receipt of Personal Information, we assume that the necessary Consent has been obtained and will process the Personal Information as per your/Authorised Users instructions and in accordance with this Privacy Policy and applicable Data Protection Laws.
 - ii) ensure the accuracy, quality, and legality of the Personal Information;
 - iii) comply with all necessary transparency (openness) and lawfulness requirements under applicable Data Protection Laws prior to provision of the Personal Information to us;
 - iv) ensure that all Processing instructions comply with applicable laws.
- By submitting such Personal Information on behalf of another person, you indemnify us against any Third-party claim, where such Third-party claim relates to Personal Information that has been Processed by Us without the necessary Consent or other available exception allowed by law.
- g) **If you fail to provide Personal Information:** Where we need to collect Personal Information by law, 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 perform the contract we have or are trying to enter into with you (for example, to provide you with services (including services for no charge)). In this case, we may have to cancel a service you have with us, but we will notify you if this is the case at the time.

3) HOW IS PERSONAL INFORMATION COLLECTED?

We use different methods to collect data from and about you including through:

- a) **Direct interactions.** We may collect Personal Information directly from a data subject. This may be when you (as data subject):
 - i) engage with us via Skype, Zoom or any other video conferencing facility;
 - ii) subscribe to our newsletter or blog;

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- iii) apply or sign up or use any of the Property Engine services or the services of a Responsible Party where we act as Operator;
 - iv) complete a COVID 19 questionnaire;
 - v) request marketing material to be sent to you;
 - vi) attend a Property Engine event;
 - vii) engage with support services we may make available;
 - viii) enter a competition, promotion or survey; or
 - ix) engage with us or give us feedback or contact us via email, our online contact form, WhatsApp or other social media messaging platforms we may subscribe to.
- b) **Automated technologies or interactions.** As you interact with our services or website, we will automatically collect Technical Data about your equipment, browsing actions, patterns and device(s). We collect this Personal Information by using cookies (see clause 4 below), server logs and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies.
- c) **Third parties or publicly available sources.** We will receive Personal Information about you from various Third parties and public sources as set out below:
- i) Technical Data from the following parties:
 - (1) analytics providers such as Google ("How Google uses information from sites or apps that use our services", (located at <https://policies.google.com/technologies/partner-sites>))
 - (2) advertising networks; and
 - (3) search information providers.
 - ii) Contact, Financial and Transaction Data from providers of technical, payment and delivery services (where applicable);
 - iii) Technical and Transactional Data from Third-party service providers that provide a service or product to you, subject to your Consent to us to collect the information.
 - iv) Identity and Contact Data from data brokers or aggregators.
 - v) Identity and Contact Data from publicly available sources such as CIPC or such places where the data subject has deliberately made available his/ her/ its Personal Information.
- d) We will only collect Personal Information on behalf of a Property Engine client using a notice or method, which contains a data privacy notice informing the Data Subjects of the Property Engine client's identity, the role of the Property Engine client as the Responsible Party and Property Engine as the Operator and the purpose or purposes for which their Personal Information will be processed, and any other information that, having regard to the specific circumstances of the collection and expected processing, is required to enable fair processing.

4) COOKIES

- a) Our websites make use of cookies to help us understand our users better. Our Cookies Policies will be displayed on our respective websites.

5) HOW WE USE YOUR PERSONAL INFORMATION

- a) Property Engine will not sell your Personal Information.
- b) All Personal Information that Property Engine may receive from you shall be dealt with as confidential information.
- c) Property Engine will only use Personal Information within the framework of the law. Most commonly, Property Engine will use Personal Information in the following circumstances:
 - i) where you or Competent Person have given his/ her/ its Consent; or
 - ii) where Property Engine needs to perform under a contract that Property Engine is about to enter into or have entered into with you; or
 - iii) where it is necessary for Property Engine's legitimate interests (or those of a Third party) and the data subject's interests and fundamental rights do not override those interests; or
 - iv) where Property Engine need to comply with a legal obligation.
- d) Purposes for which we will use Personal Information
 - i) We have set out below, in a table format, a description of all the ways Property Engine plans to use Personal Information, and which of the legal bases Property Engine relies on to do so. We have also identified what Property Engine's legitimate interests are where appropriate.

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- ii) Note that Property Engine may process Personal Information for more than one lawful ground depending on the specific purpose for which Property Engine is using the data. Please contact Property Engine if you need details about the specific legal ground Property Engine is relying on to process your Personal Information where more than one ground has been set out in the table below.
- iii) If the Data Protection Laws, to which Property Engine (as Operator) is subject to, oblige Property Engine to carry out further processing, Property Engine shall notify the Responsible Party of these legal requirements prior to processing, and if so required under the Data Protection Laws POPI Act and/ or by the Information Regulator, obtain the necessary pre-authorisation for such further processing.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a Property Engine client	(a) Identity, (b) Contact (c) Financial, (d) Marketing and Communications	(a) Consent (b) Performance of a contract with Property Engine client
To collect Personal Information on behalf of a business partner of Property Engine	(a) Identity, (b) Contact (c) Financial, (d) Marketing and Communications	(a) Consent (b) Performance of a contract with Business partner
Subscribe to receive news and product updates from Property Engine – existing Property Engine client Subscribe to receive news and product updates from Property Engine – non-client	(a) Identity, (b) Contact, (c) Marketing and Communications	(a) Performance of a contract with Property Engine client (b) Consent
To process information relevant to the Services you have sign-up for, including: (a) Manage payments, fees and charges (b) Collect and recover money owed to Property Engine	(a) Identity, (b) Contact, (c) Financial, (d) Transaction, (e) Marketing and Communications (f) Technical Data)	(a) Consent (b) Performance of a contract with Property Engine client (c) Necessary for Property Engine's legitimate interests (to recover debts due to Property Engine)
To manage our relationship with you as a Property Engine client, which will include: (a) Notifying the PROPERTY ENGINE client about changes to Property Engine's Terms of Services or this Privacy Policy where required (b) Asking the Data Subject to leave a review or take a survey	(a) Identity, (b) Contact, (c) Marketing and Communications	(a) Performance of a contract with Property Engine client (b) Necessary to comply with a legal obligation (c) Necessary for Property Engine's legitimate interests (to keep Property Engine records updated and to study how clients use Property Engine services)
To reply to users submissions via our "Contact" page	(a) Identity, (b) Contact details	Consent
To follow Property Engine's COVID 19 protocol and determine whether clients' can be allowed on to Property Engine premises	(a) Identity, (b) Contact, (c) Special Personal Information	(a) Consent, (b) Necessary to comply with a legal obligation, (c) Necessary for Property Engine's legitimate interests and the interest of other persons on the premises, (d) Required by law
To enable clients to partake in a prize draw, competition, referral, promotion or complete a survey (where available)	(a) Identity, (b) Contact, (c) Usage, (d) Marketing and Communications	(a) Performance of a contract with the Property Engine client (b) Client consents by submitting his/ her/ its information to Property Engine, specifically for competitions and promotions (c) Necessary for Property Engine's legitimate interests (to study how clients use Property Engine services, to develop them and grow Property Engine's business)
To administer and protect Property Engine's business, website and other electronic platforms (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity, (b) Contact, (c) Technical	(a) Necessary for Property Engine's legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation

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To deliver relevant website and service content and information about similar services and/ or products to clients and measure or understand the effectiveness of the advertising Property Engine serves to clients	(a) Identity, (b) Contact, (c) Usage, (d) Marketing and Communications, (e) Technical	Necessary for Property Engine's legitimate interests (to study how clients use Property Engine services, to develop them, to grow Property Engine's business and to inform Property Engine's marketing strategy)
To use data analytics to improve Property Engine's website, services, marketing, client relationships and experiences	(a) Technical, (b) Usage	Necessary for Property Engine's legitimate interests (to define types of clients for Property Engine services, to keep Property Engine's website updated and relevant, to develop Property Engine's business and to inform Property Engine's marketing strategy)
To make suggestions and recommendations to clients about services that may be of interest to him/ her/ it	(a) Identity, (b) Contact, (c) Technical, (d) Usage, (e) Marketing and Communications	Necessary for Property Engine's legitimate interests (to develop Property Engine services and grow Property Engine's business)

- e) **Direct Marketing:** We strive to provide you with choices regarding certain Personal Information uses, particularly around marketing and advertising.
- i) Promotional offers (direct marketing) from us
 - (1) Once you have utilised any of our services (including services under any of our brands, such as HelloHouse), you will be seen as a client of Property Engine.
 - (2) As a client we may use your Identity, Contact, Technical and Usage Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which services/ products may be relevant for you (we call this marketing).
 - (3) As a client you will receive marketing communications from us if you have not opted out of receiving that marketing.
 - (4) As **potential client** we will first obtain your Consent (opt-in) before we submit any direct marketing material through electronic communications to you;
 - (5) you, as existing client or potential client, will always have the option to unsubscribe to said communications (see par. [iii\) below](#))
 - ii) Third-party marketing
 - (1) We will get your express opt-in Consent before we share your Personal Information with any Third party for marketing purposes.
 - (2) **TAKE NOTE:** We may provide (without your Consent) Third-party marketing parties/advertisers with anonymous aggregate information (Aggregate Data (see above)) about our users (for example, we may inform them that 500 men aged under 30 have clicked on a specific product or advertisement on any given day). We may also use such aggregate information to help advertisers reach the kind of audience they want to target (for example, women in a specific region). We may make use of the Personal Information we have collected from you to enable us to comply with our advertisers' wishes by displaying their advertisement to that target audience. **IMPORTANT: We do not disclose information about identifiable individuals to our advertisers.**
 - iii) Opting out
 - (1) You can ask us or Third parties to stop sending you marketing messages at any time by unsubscribing on the email communication (if available) or by contacting us at any time and requesting to opt-out of our marketing services.
 - (2) Where you opt out of receiving these marketing messages, this will not apply to Personal Information provided to us as a result of a services acquired, service experience or other transactions.
 - iv) **Cookies:** see paragraph [4\) above](#) You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies.
- f) **Change of purpose**
- i) We will only use your Personal Information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.
 - ii) If we need to use your Personal Information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.
 - iii) Please note that we may process your Personal Information without your knowledge or Consent, in compliance with the above rules, where this is required or permitted by law.

5) DISCLOSURES OF PERSONAL INFORMATION

- a) We may share Personal Information with the parties set out below for the purposes set out in the table above.
 - i) **Internal Third parties** as set out in the *Definitions*. Where we share Personal Information to our group (collaborating companies/ partners/agents), we ensure your Personal Information is protected by requiring all our collaborating companies to follow this Policy when processing your Personal Information.
 - ii) **External Third parties** as set out in the *Definitions*.

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- iii) Third parties to whom we may choose to sell, transfer or merge all or parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your Personal Information in the same way as set out in this Privacy Policy.
- b) We require all Third parties to respect the security of your Personal Information and to treat it in accordance with the law. We do not allow our Third-party service providers to use your Personal Information for their own purposes and only permit them to process your Personal Information for specified purposes and in accordance with our instructions.

7) INTERNATIONAL TRANSFERS

- a) Some of our External Third parties may be based outside your country so their processing of your Personal Information could involve a transfer of data outside your country.
- b) Whenever we transfer your Personal Information out of your country, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:
 - i) We will only transfer your Personal Information to countries that have appropriate data protection and privacy legislation to protect your Personal Information.
 - ii) Where we use certain service providers, we conclude an agreement with them to confirm that your Personal Information is confidential, they can only process on our instructions and that they should establish and maintain appropriate technological and organisational measurements to protect your Personal Information.
 - iii) Confirmation that the necessary pre-authorisation from the Information Regulator (only where said pre-authorisation is required by the Data Protection Laws), has been obtained by the Responsible Party, i.e. section 57 of the POPI Act.
- c) By submitting your Personal Information to us, you Consent to the transfer of your Personal Information outside the borders of the Republic of South Africa.

8) DATA SECURITY

- a) Property Engine has put in place appropriate technological and organisational measures to prevent Personal Information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, Property Engine limits access to Personal Information to those employees, agents, contractors and other Third parties who have a business need to know. They will only process Personal Information on Property Engine's instructions, and they are subject to a duty of confidentiality.
- b) We have put in place procedures to deal with any suspected Personal Information breach and will notify you and any applicable regulator of a breach where we are legally required to do so.
- c) Where Property Engine acts as Operator, the Responsible Party must ensure that it has implement appropriate technical and organisational measures against unauthorised or unlawful processing, access, disclosure, copying, modification, storage, reproduction, display or distribution of Personal Information, and against accidental or unlawful loss, destruction, alteration, disclosure or damage of Personal Information. Other than securing the Personal Information on collection of same from the Responsible Party via the Property Engine services, Property Engine shall not be responsible for any other Responsible Party's security safeguard obligations.

9) DATA RETENTION

How long will Property Engine use your Personal Information for?

- a) Property Engine will only retain data subjects' Personal Information for as long as reasonably necessary to fulfil the purposes Property Engine collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. Property Engine may retain data subjects' Personal Information for longer periods in the event of a complaint or if Property Engine reasonably believes there is a prospect of litigation.
- b) To determine the appropriate retention period for Personal Information, Property Engine considers the amount, nature and sensitivity of the Personal Information, the potential risk of harm from unauthorised use or disclosure of the data subject's Personal Information, the purposes for which Property Engine processes the Personal Information and whether Property Engine can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.
- c) By law we have to keep basic information about our clients (including Contact, Identity and Transaction Data) for five years after they cease being clients for tax purposes.
- d) In some circumstances you can ask Property Engine to delete your data: see *Legal rights of data subjects* below for further information.
- e) In some circumstances Property Engine will anonymise/ de-identify the Personal Information (so that it can no longer be associated with the data subject) for research or statistical purposes, in which case Property Engine may use this information indefinitely without further notice to said data subject.

10) RECORDS

Property Engine will keep detailed, accurate and up-to-date written records regarding any processing of Personal Information it carries out, including but not limited to, the access, control and security of the Personal Information and approved subcontractors, the processing purposes, categories of processing, any transfers of Personal Information to a Third-party country and related safeguards, the instructions as received from the Property Engine client and a general description of the technical and organisational security measures and retention and destruction of Personal Information.

11) SOCIAL MEDIA

- a) Property Engine's website(s) or services may, in certain circumstances, provide you with social plug-ins from various social media networks. If you choose to interact with a social network such as Facebook or LinkedIn (for example by registering an account or click on the links from our website), your activity on our website(s) will also be made available to that social network. This is necessary for the performance of your contract with us which allows you to interact with a social network. If you are logged in on one of these social networks during your visit to our website(s) or are interacting with one of the social plug-ins, the social network might add this information to your respective profile on this network based on your privacy settings. If you would like to prevent this type of information transfer, please log out of your social network account before you enter our website(s), or change the necessary privacy settings, where possible.
- b) Communication, engagement and actions taken through external social media networks that we participate in are custom to the terms and conditions as well as the privacy policies held with each social media platform respectively.
- c) You are advised to use social media networks wisely and communicate/engage with them with due care and caution in regard to their own privacy policies (if any). **PLEASE NOTE: WE WILL NEVER ASK FOR PERSONAL OR SENSITIVE INFORMATION THROUGH SOCIAL MEDIA NETWORKS AND ENCOURAGE USERS, WISHING TO DISCUSS SENSITIVE DETAILS OR TO RESOLVE ISSUES/ CONCERNS, TO CONTACT US THROUGH PRIMARY COMMUNICATION CHANNELS SUCH AS BY TELEPHONE OR EMAIL.**
- d) Our social media network page(s) may share web links to relevant web pages. By default, some social media platforms shorten lengthy URL's. You are advised to exercise caution and due care before clicking on any shortened URL's published on social media platforms by this website. Despite our best efforts to ensure that only genuine URL's are published, many social media platforms are prone to spam and hacking and therefore our website and its owners cannot be held liable for any damages or implications caused by visiting any shortened links.

12) LEGAL RIGHTS OF DATA SUBJECTS

- a) Under certain circumstances, a data subject has the following rights under Data Protection Laws in relation to his/ her/ its Personal Information:
 - i) **Request access** to Personal Information (commonly known as a "data subject access request"). There may be a fee associated with this request – see below. This enables the data subject to receive a copy of the Personal Information We hold about the data subject and to check that We are lawfully processing it. See the Property Engine Promotion of Access to Information Manual ("PAI Manual").
 - ii) **Request correction** of the Personal Information held by Us. This enables a data subject to have any incomplete or inaccurate data We hold about the data subject corrected, though We may need to verify the accuracy of the new data provided to Us.
 - iii) **Request erasure** of Personal Information. This enables the data subject to ask Us to delete or remove Personal Information where there is no good reason for Us continuing to process it. The data subject also have the right to ask Us to delete or remove his/ her/ its Personal Information where the data subject has successfully exercised his/ her/ its right to object to processing (see [iv\) below](#)), where We may have processed the data subject's information unlawfully or where We are required to erase the data subject's Personal Information to comply with local law. Note, however, that We may not always be able to comply with the data subject's request of erasure for specific legal reasons which will be notified to the data subject, if applicable, at the time of the data subject's request. Take Note: Erasure of the data subject's Personal Information shall further not limit Our rights in terms of Aggregate Data and Pattern Data.
 - iv) **Object to processing** of Personal Information where We are relying on a legitimate interest (or those of a Third party) and there is something about the data subject's particular situation which makes the data subject want to object to processing on this ground, as the data subject feels that it impacts on his/ her/ its fundamental rights and freedoms. The data subject also has the right to object where We are processing the data subject's Personal Information for direct marketing purposes. In some cases, We may demonstrate that we have compelling legitimate grounds to process the data subject's information which override the data subject's rights and freedoms.
 - v) **Request restriction of processing** of Personal Information. This enables the data subject to ask Us to suspend the processing of your Personal Information in the following scenarios:
 - (1) If the data subject wants Us to establish the data's accuracy.
 - (2) Where We use of the data is unlawful, but the data subject does not want Us to erase it.
 - (3) Where the data subject needs Us to hold the data even if We no longer require it as the data subject needs it to establish, exercise or defend legal claims.
 - (4) The data subject has objected to Our use of his/ her/ its data, but We need to verify whether We have overriding legitimate grounds to use it.

- vi) **Withdraw Consent at any time** where We are relying on Consent to process the data subject's Personal Information. However, this will not affect the lawfulness of any processing carried out before the data subject withdraws his/ her/ its Consent. If the data subject withdraws his/ her/ its Consent, We may not be able to provide certain services to the data subject. Property Engine will advise the data subject if this is the case at the time he/ she/ it withdraws said Consent.
- b) If you/data subject wishes to exercise any of the rights set out above, please contact Property Engine at the details mentioned under par. 1)a)iv) above.
- c) **Take note of the following that will apply where Property Engine acts as Operator and the Property Engine customer as the Responsible Party:**
 - i) Property Engine will notify the Property Engine client immediately if it receives any complaint, notice or communication that relates directly or indirectly to the processing of the Personal Information or to either party's compliance with the Data Protection Legislation.
 - ii) Property Engine will notify the Property Engine client within 2 (two) working days if it receives a request from a data subject for access to their Personal Information or to exercise any of their related rights under the data protection legislation.
 - iii) Property Engine will give the Property Engine client its full co-operation and assistance in responding to any complaint, notice, communication or data subject request and the Property Engine client shall remunerate Property Engine for any reasonable costs that Property Engine may incur as a result of said request. Property Engine shall not be liable for the Property Engine client's non-compliance of any data subject requests.
 - iv) Property Engine shall not disclose the Personal Information to any Data Subject or to a Third party unless written instruction has been obtained from the Responsible Party or as required by law.
 - v) Where you, as a data subject is a client/ customer/ employee of the Property Engine client and wishes to submit a complaint or request, then we recommend that you submit it to the Property Engine client.
- d) **Fee required:** Apart from any prescribed fees under any applicable data protection legislation, the data subject will not have to pay a fee to access his/ her/ its Personal Information (or to exercise any of the other rights). However, a reasonable fee may be charged if the data subject request is clearly unfounded, repetitive or excessive. Alternatively, the Responsible Party could refuse to comply with the data subject's request in these circumstances.
- e) **What we may need from the data subject:** We may need to request specific information from the data subject to help us confirm his/ her/ its identity and ensure the data subject's right to access his/her/ its Personal Information (or to exercise any of the data subject's other rights). This is a security measure to ensure that Personal Information is not disclosed to any person who has no right to receive it. We may also contact the data subject to ask him/ her/ it for further information in relation to his/ her/ its request to speed up our response.
- f) **Time limit to respond:** Property Engine tries to respond to all legitimate requests within 30 (thirty) days. Occasionally it could take Property Engine longer than 30 (thirty) days if the data subject's request is particularly complex or he/ she/ it has made a number of requests. In this case, Property Engine will notify the data subject and keep him/ her/ it updated.

13) SUBCONTRACTORS

- a) Property Engine may authorise a Third party (subcontractor) to process the Personal Information. Were Property Engine uses sub-contractors, Property Engine will:
 - i) **enter into** a written contract with the subcontractor that contains terms substantially the same as those set out in this Privacy Policy, in particular, in relation to requiring appropriate technical and organisational data security measures; and
 - ii) **maintain control over** all Personal Information it entrusts to the subcontractor.
- b) Property Engine agrees to select subcontractors carefully according to their suitability and reliability.
- c) A subcontractor within the meaning of this Privacy Policy shall not exist if Property Engine commissions Third parties with additional services, that are not an essential part of this Privacy Policy.
- d) Where the subcontractor fails to fulfil its obligations under such written agreement, Property Engine remains fully liable to the Property Engine client for the subcontractor's performance of its agreement obligations.
- e) The parties consider Property Engine to control any Personal Information controlled by or in the possession of its subcontractors.
- f) Property Engine undertakes to ensure that all subcontractors who process Personal Information of data subjects, shall not amend, modify, merge or combine such Personal Information and process same as per instructions from Property Engine.

14) PERSONAL INFORMATION BREACH (WHERE PROPERTY ENGINE ACTS AS OPERATOR)

- a) Property Engine will without undue delay notify the Property Engine client if any Personal Information (of the Property Engine client or its data subject) is lost or destroyed or becomes damaged, corrupted, or unusable.
- b) Property Engine will without undue delay and where reasonably possible, after it has come to knowledge of Property Engine, notify the Property Engine client of:
 - i) any accidental, unauthorised or unlawful processing of the Personal Information; or

- ii) any Personal Information breach.
- c) Where Property Engine becomes aware of a situation as described in (a) and/ or (b) above, it shall, without undue delay, also provide the Property Engine client with the following information:
 - i) description of the nature of (a) and/ or (b), including the categories and approximate number of both data subjects and Personal Information records concerned;
 - ii) the likely consequences of such an occurrence; and
 - iii) description of the measures taken or proposed to be taken to address (a) and/ or (b), including measures to mitigate its possible adverse effects.
- d) Immediately following any unauthorised or unlawful Personal Information Processing or Personal Information breach, the parties will co-ordinate with each other to investigate the matter. Property Engine will reasonably co-operate with the client in the client's handling of the matter, including:
 - i) assisting with any investigation;
 - ii) providing the client with physical access to any facilities and operations affected;
 - iii) facilitating interviews with Property Engine's employees, former employees and others involved in the matter;
 - iv) making available all relevant records, logs, files, data reporting and other materials required to comply with all Data Protection Laws or as otherwise reasonably required by the client (subject to confidentiality); and
 - v) taking reasonable and prompt steps to mitigate the effects and to minimise any damage resulting from the Personal Information breach or unlawful Personal Information processing.
- e) Property Engine will not inform any Third party of any Personal Information breach without first obtaining the client's prior written consent, except when required to do so by law.
- f) Property Engine agrees that the client has the sole right to determine:
 - i) whether to provide notice of the Personal Information breach to any data subjects, supervisory authorities, regulators, law enforcement agencies or others, as required by law or regulation or in the client's discretion, including the contents and delivery method of the notice; and
 - ii) whether to offer any type of remedy to affected data subjects, including the nature and extent of such remedy.
- g) The client indemnifies Property Engine against any claim from the supervisory authorities or data subjects where the client refuses or neglects to provide the required notices.
- h) Property Engine will cover all reasonable direct expenses associated with the performance of the obligations under clause b), clause c) and clause d) unless the matter arose from the client's specific instructions, negligence, willful default or breach of this Policy or any contract or any Third party actions outside the reasonable control of Property Engine, in which case the client will cover all reasonable expenses.

15) DEFINITIONS

- a) **Authorised Users** means those persons that have been appointed and authorised by Property Engine clients to access the Property Engine Services;
- b) **Competent person** means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child;
- c) **Consent** means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information.
- d) **Data Protection Laws** means any and all applicable laws relating to the protection of data or of Personal Information and shall include the protection of Personal Information as per the POPI Act and General Data Protection Regulations (GDPR).
- e) **Data Subject** means the person to whom Personal Information relates and, in this document, refers to you as the party providing Personal Information that will be processed by Property Engine or a relevant Third party.
- f) **Legitimate Interest** means the interests of Property Engine's business in conducting and managing Property Engine business to enable Property Engine to give data subjects/ clients the best service and the best and most secure experience. Property Engine makes sure that it considers and balances any potential impact on data subjects (both positive and negative) and data subjects' rights before Property Engine processes data subjects' Personal Information for its legitimate interests. Property Engine does not use data subjects' Personal Information for activities where Property Engine's interests are overridden by the impact on a data subject (unless Property Engine has the data subject's Consent or are otherwise required or permitted to by law). A data subject can obtain further information about how Property Engine assesses its legitimate interests against any potential impact on the data subject in respect of specific activities by contacting PROPERTY ENGINE.
- g) **Operator** means a party who processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that Responsible Party.
- h) **Performance of Contract** means processing a data subject's data, where it is necessary for the performance of a contract to which the data subject is a party or to take steps at the data subject's request before entering into such a contract.

PRIVACY POLICY

- i) **Personal Information** means information as defined in the Protection of Personal Information Act 4 of 2013 ([POPI Act](#) - Click on link to view).
- j) **Processing** means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including-
 - i) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - ii) dissemination by means of transmission, distribution or making available in any other form; or
 - iii) merging, linking, as well as restriction, degradation, erasure or destruction of information.
- k) **Property Engine client** means a client/ customer of Property Engine, making use of Property Engine services.
- l) **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.
- m) **Special Personal Information** means information as defined under the [POPI Act](#) (Click on link to view).
- n) **THIRD PARTIES**
 - i) **Internal Third parties:** Partners, affiliates, employees, shareholders, directors and/ or agents of Property Engine (if applicable), acting as joint Responsible Parties or Operators and who may also provide IT and system administration services and undertake leadership reporting.
 - ii) **External Third parties**
 - (1) Authorised Users as instructed by Property Engine clients (Property Engine clients acting as Responsible Parties);
 - (2) Service providers acting as our Operators who provide IT and system administration services.
 - (3) Service providers integrated as sub-contractors into the Property Engine services.
 - (4) Professional advisers acting as Operators or joint Responsible Parties, including lawyers, bankers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services.
 - (5) The Revenue services, regulators and other authorities acting as operators or joint Responsible parties who require reporting of processing activities in certain circumstances.
 - (6) Courts of law or any other authorities where the Responsible Party has an obligation under law to share the data subject's Personal Information.
 - (7) In the event that Property Engine sells or buys any business or assets, in which case Property Engine may disclose data subjects' Personal Information to the prospective seller or buyer of such business or assets.

END OF POLICY