

# 16 On Bree Group Privacy Statement

**The 16 On Bree is committed to ensuring that your privacy is protected, and we are committed to compliance with the Protection of Personal Information Act 4 of 2013.**

## 1. Introduction

1. For purposes of this Statement:

1. **"Applicable Laws"** means all laws, regulations that any entity in the 16 On Bree Group is required to comply with;
2. **"Client"** or "you" means any party who has an existing mandate with the 16 On Bree Group, any party who has transacted with the 16 On Bree Group in the past, any party who has indicated that they have a buying/renting/property-related need and any party to have given the 16 On Bree Group their consent to store their Personal Information.
3. **"16 On Bree Group"** means Cape Town 9 Properties (Pty) Ltd, a private company duly registered in the Republic of South Africa;
4. "16 On Bree Group" means individually or collectively as the context may indicate, Cape Town 9 Properties (Pty) Ltd and their South African subsidiary companies from time to time, unless otherwise provided for or indicated herein.
5. "16 On Bree" means an entity independent of the 16 On Bree Group which conducts the business of an estate agency under licence and franchise of the 16 On Bree Group in terms of a franchise agreement; and
6. "16 On Bree", or "we" or "us" means any entity in the 16 On Bree Group and Cape Town 9 Properties unless the context clearly indicates otherwise;

2. Everyone has rights with regard to how their Personal Information is handled. During its activities, 16 On Bree Group (as defined below) will collect, store and process Personal Information about its staff, agents, clients, potential clients, suppliers and other third parties. All companies in the 16 On Bree Group recognise the need to treat this information in an appropriate and lawful manner.
3. For 16 On Bree to best service our clients and potential clients, the Group has collected property related data since the business was incorporated. This information allows the business to better understand and service our clients' needs, to value their properties as well as defining the most effective way to market their property, in order to conclude a sale or rental of a property, or any other property related transaction.
4. The information referred to above may include Personal Information as defined by the POPI Act. The Group recognises the utmost importance of keeping all this information secure, accurate and not sharing it with other parties without the necessary consent.
5. This Statement sets out how your Personal Information will be used by 16 On Bree and applies to any information, including Personal Information and Special Personal

Information, you give to 16 On Bree or which 16 On Bree may collect from third parties

6. It is important that you read this Statement carefully before submitting any Personal Information to 16 On Bree.
7. By submitting any Personal Information to 16 On Bree, you provide consent to the processing of your Personal Information as set out in this Statement.
8. The provisions of this Statement are subject to mandatory, unalterable provisions of Applicable Laws;
9. Please do not submit any Personal Information to 16 On Bree if you do not agree to any of the provisions of this Statement. If you do not consent to the provisions of this Statement, or parts of the Statement, 16 On Bree may not be able to provide its products and services to you.

## 2. **How to contact us**

If you have any comments or questions about this Statement, please direct your query to [info@16onbree.co.za](mailto:info@16onbree.co.za)

## 3. **Amendment of this Statement**

1. We may amend this Statement from time to time for any of the following reasons:
  1. to provide for the introduction of new systems, methods of operation, services, products, property offerings or facilities;
  2. to comply with changes to any legal or regulatory requirement;
  3. to ensure that our Statement is clearer and more favourable to you;
  4. to rectify any mistake that may be discovered from time to time; and/or
  5. for any other reason which 16 On Bree in its sole discretion, may deem reasonable or necessary.
2. Any such amendment will come into effect and become part of any agreement you have with 16 On Bree when notice is given to you of the change by publication on our website. Please check the website often as while we may notify you of such changes through other means we cannot always ensure that you receive notification of such changes.

## 4. **Privacy and Exclusion of liability**

1. 16 On Bree takes your privacy and the protection of your Personal Information very seriously, and we will only use your Personal Information in accordance with this Statement and applicable data protection legislation. It is important that you take all necessary and appropriate steps to protect your Personal Information yourself (for example, by ensuring that all passwords and access details (such as user names) are kept secure).

2. Use of your personal information by 16 On Bree will however never include providing your Personal Information to third parties unless you have consented to this or it is otherwise in your legitimate interests. 16 On Bree does not sell your Personal Information and understands the importance of protecting this.
3. While we have and will continue to implement and maintain appropriate security safeguards in relation to our information systems and other operational measures to keep your Personal Information secure, we will not be liable for any loss, damages or injury that you may incur as a result of any unintentional disclosures of your Personal Information to unauthorised persons.
4. All information that you do provide us must be complete and accurate as we will not be responsible any loss, damages or injury that you may incur as result of the provision of incorrect or incomplete Personal Information to 16 On Bree or third parties.

#### **5. Information which we may collect about you**

1. In the ordinary course of doing business with 16 On Bree, we may collect the following information about you:
  1. your name, address, contact details, date of birth, place of birth, identity number, passport number, bank details, details about your employment, tax number and financial information;
  2. records of correspondence or enquiries from you or anyone acting on your behalf;
  3. details of transactions you carry out with us;
  4. details of and required for contracts, (including, mandates, management and services agreements, sale agreements, leases or any other property related transaction) you carry out with us, through our agency or otherwise in the ordinary course of business;
  5. sensitive or special categories of Personal Information, including biometric information, such as images, fingerprints and voiceprints.
2. 16 On Bree will also, from time to time collect, particularly contact details and other Personal Information relating to property owners and other persons so that we can identify and/or contact (e.g. in order to present an opportunity) for instance to potential or existing buyers, sellers, landlords or tenants. These details are collected from public records or via intermediaries who source such information from public records and if contacted, we will thereafter only process your information as directed.
3. Where you provide us with the Personal Information of third parties please ensure that you are authorised to provide that Personal Information to us and that you take steps to inform the third party that you need to disclose their details to us, identifying us. We will process their Personal Information in accordance with this Statement.

#### **6. How we collect information**

1. You may provide Personal Information to us either directly such as when you email us or provide information or complete forms or applications through our online or electronic channels (which will include information provided through an agent acting on your behalf, or otherwise on your instruction or permission) or indirectly.
2. We may collect your Personal Information indirectly in the following ways:
  1. Personal information that is in the public domain or accessible to the public or any part of the public including Personal Information you place in the public domain or otherwise publish;
  2. Where this is necessary to either comply with any laws or obligations imposed pursuant such laws or ensure compliance with our contractual or other obligations and responsibilities to you or third parties arising from the agreement or arrangement concluded with 16 On Bree;
  3. Otherwise only with and pursuant to your consent unless this it is not reasonably practicable in the circumstances or a particular case to obtain such consent and the collection of such Personal Information from another source will not prejudice your legitimate interests.

#### **7. Use of information collected**

1. We may use, transfer, store and disclose your Personal Information for the purposes of:
  1. providing you with the services, products or offerings you have requested, and notifying you about important changes to these services, products or offerings;
  2. managing your account or relationship and complying with your instructions or requests;
  3. detecting and preventing fraud and money laundering and/or in the interest of security and crime prevention;
  4. assessing and dealing with complaints and requests;
  5. operational, marketing, auditing, legal and record keeping requirements;
  6. verifying your identity or the identify of your beneficial owner (in the case of a juristic person);
  7. transferring or processing your Personal Information outside of the Republic of South Africa to such countries that may not offer the same level of data protection as the Republic of South Africa, including for cloud storage purposes and the use of any of our websites subject to clause 8.3;
  8. complying with Applicable Laws, including lawful requests for information received from local or foreign law enforcement, government and tax collection agencies;
  9. recording and/or monitoring your telephone calls and electronic communications to/with 16 On Bree in order to accurately carry out your

instructions and requests, to use as evidence and in the interests of crime prevention;

10. conducting market research and providing you with information about 16 On Bree's products or services from time to time via email, telephone or other means (for example, events);
  11. where you have unsubscribed from certain direct marketing communications, ensuring that we do not send such direct marketing to you again;
  12. disclosing your Personal Information to third parties for reasons set out in this Statement;
  13. monitoring, keeping record of and having access to all forms of correspondence or communications received by or sent from 16 On Bree or any of its employees, agents or contractors, including monitoring, recording and using as evidence all telephone communications between you and 16 On Bree; and
  14. improving or evaluating the effectiveness of 16 On Bree's business or products, services or offerings.
2. We may from time to time contact you about services, products and offerings available from 16 On Bree or specific subsidiaries which we believe may be of interest to you, by email, phone, text or other electronic means, unless you have unsubscribed from receiving such communications.

#### **8. Disclosure of your information**

1. Your Personal Information may be shared between 16 On Bree's entities and our agents and sub-contractors and selected third parties who process the information on our behalf.
2. We may also disclose your Personal Information to third parties in the following circumstances:
  1. to assess, give effect to and monitor any of obligations, rights, remedies, or commitments that you and/or 16 On Bree may have under any agreement, undertaking or arrangement to which you are a party;
  2. to determine which products and services may be of interest to you and/or to send you information about such products and services, unless you object or choose not to receive such communications;
  3. have a better understanding of your circumstances, needs and requirements to provide and improve 16 On Bree's products and services;
  4. to any relevant person and/or entity for purposes of prevention, detection and reporting of fraud and criminal activities, the identification of the proceeds of unlawful activities and the combatting of crime;
  5. to any regulator or supervisory authority, including those in foreign jurisdictions, if 16 On Bree is required to do so in terms of Applicable Laws;

6. to a prospective buyer, seller, landlord or lessor of any of our businesses or assets in relation to a transaction on which we have been mandated or otherwise required to do so in terms of this Statement;
  7. to any person if we are under a duty to disclose or share your Personal Information to comply with any Applicable Laws, or to protect the rights, property or safety of 16 On Bree, or other third parties; and/or
  8. to your agent or any other person acting on your behalf or otherwise on your instruction or with your consent.
3. We may transfer your information to another of 16 On Bree's entities, an agent, sub-contractor or third party who carries on business in another country, including one which may not have data privacy laws like those of the Republic. If this happens, we will endeavour to ensure that anyone to whom we pass your information agrees to treat your information with the same level of protection as if we were dealing with it.
  4. If you do not wish us to disclose this information to third parties, please contact us at the contact details set out above. We may, however, not be able to provide products or services to you if such disclosure is necessary.

#### **9. Retention of your information**

1. Records of Personal Information will only be retained for as long as is necessary for achieving the purpose for which the information is collected or subsequently processed. This purpose will differ depending on what and why Personal Information is collected from you.
2. In some cases, we may retain your Personal Information indefinitely, unless you object, in which case we will only retain it if we are permitted or required to do so in terms of Applicable Laws. However, as a general rule, we will retain your information in accordance with retention periods set out in Applicable Laws, unless we need to retain it for longer for a lawful purpose or otherwise if retention is reasonably required for purposes of executing our functions or activities (For example, for the purposes of complaints handling, legal processes and proceedings, administering and processing required under or for purposes of agreements you may have concluded).

#### **10. Access to, correction and deletion of your Personal Information**

1. You may request details of Personal Information which we hold about you under the Promotion of Access to Information Act, 2000 ("PAIA"). Fees to obtain a copy or a description of Personal Information held about you are prescribed in terms of PAIA. Confirmation of whether we hold Personal Information about you may be requested free of charge. If you would like to obtain a copy of your Personal Information held by 16 On Bree, please review our [Private Policy](#).
2. You may request the correction of Personal Information 16 On Bree holds about you. Please ensure that the information we hold about you is complete, accurate and up to date. If you fail to keep your information updated, or if your information is incorrect, 16 On Bree may not be able to properly discharge its obligations to you or otherwise maintain its business relationship with you. 16 On Bree may from time to

time communicate with you and request you to confirm and or update the Personal Information it holds concerning you but is not obliged to do so.

3. You have a right in certain circumstances to request the destruction or deletion of and, where applicable, to obtain restriction on the processing of Personal Information held about you. If you wish to exercise this right, please contact us using the contact details set out above.
4. You have a right to object on reasonable grounds to the processing of your Personal Information where the processing is carried out to protect our legitimate interests or your legitimate interests, unless the law provides for such processing.

#### **11. Complaints**

1. Should you believe that 16 On Bree has utilised your Personal Information contrary to Applicable Laws, you undertake to first attempt to resolve any concerns with 16 On Bree.
2. If you are not satisfied with such process, you may have the right to lodge a complaint with the Information Regulator, using the contact details listed below:

[info@16onbree.co.za](mailto:info@16onbree.co.za)