

PROTECTION OF PERSONAL INFORMATION POLICY



MPANDE PROPERTY FUND MANAGER PROPRIETARY LIMITED

Registration Number: 2018/581471/07

FSP NUMBER 51556

1. INTRODUCTION

- 1.1. Mpande Property Fund Manager (Pty) Ltd (“Mpande”) is an authorised financial services provider whose business includes buying and letting of commercial real estate. Mpande may therefore need to collect Personal Information from its clients to comply with applicable laws and/or to render efficient and effective services.
- 1.2. Protection of Personal Information is enshrined in the Constitution of South Africa, and this policy aims to give effect to this right by regulating the way Mpande and or its subsidiaries process Personal Information.
- 1.3. Processing of Personal Information, as defined in The Protection of Personal Information Act 4 of 2013 (“POPIA”), refers to any activity concerning Personal Information including the 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, or merging, linking, as well as restriction, degradation, erasure or destruction of information.
- 1.4. Personal Information can be related to an identifiable natural person or, to the extent applicable, a juristic person, which includes employees and staff, prospective employees and job applicants, service providers and contractors, vendors, clients of Mpande and other third parties where the processing of information is required for a variety of business-related purposes (“Data Subject”).
- 1.5. Mpande, as the responsible party, is committed to principles of accountability, transparency and consensual and responsible processing of Personal Information. In terms of POPIA, Mpande may collect Personal Information as defined in section 1 of POPIA (see paragraph 2 below).
- 1.6. It is the intention of Mpande, that this policy will protect an individual’s Personal Information from being prejudiced in any way and this policy is consistent with the privacy laws applicable in South Africa.
- 1.7. A copy of this policy can be obtained by contacting the Information Officer, the contact details of which appear at the end of this policy. The policy is also available on Mpande’s website: <https://www.mpandeasset.com>.

2. DEFINITIONS

- 2.1. **“Consent”** means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information;
- 2.2. **“Data Subject”** means the person to whom Personal Information relates, including all living individuals and juristic persons;
- 2.3. **“Information Officer”** means the individual identified in paragraph 12 of this manual;

- 2.4. **“Personal Information”** means information relating to an identifiable, living, natural person, and, where it is applicable, and identifiable, existing juristic person, and includes, but is not limited to: information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person; information relating to the education or the medical, financial, criminal or employment history of the person; any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person; the biometric information of the person; the personal opinions, views or preferences of the person; correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; the views or opinions of another individual about the person; and the name of the person if it appears with other Personal Information relating to the person or if the disclosure of the name itself would reveal information about the person;
- 2.5. **“Record”** means any recorded information:
- 2.5.1. regardless of form or medium, including any of the following:
- 2.5.1.1. writing on any material;
 - 2.5.1.2. information produced, recorded or stored by means of any tape- recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored
 - 2.5.1.3. label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
 - 2.5.1.4. book, map, plan, graph or drawing;
 - 2.5.1.5. photograph, film, negative, tape, or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being so reproduced;
 - 2.5.1.6. in the possession or under the control of a Responsible Party;
- 2.5.2. whether or not it was created by a Responsible Party; and
- 2.5.3. regardless of when it came into existence.
- 2.6. **“Special Personal Information”** means Personal Information as referred to in section 26 of POPIA and includes information pertaining to religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information, criminal behaviour concerning the commission of an alleged offence, or proceedings relating to an alleged offence, or disposal of proceedings.

3. INFORMATION THAT MPANDE COLLECTS

- 3.1. Mpande may collect all types of Personal Information, including Special Personal Information, relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including but not limited to the following:
- 3.1.1. Name, address, other contact details, gender, sex, pregnancy, marital status, sexual orientation, language, date and place of birth, age, nationality, disability, employer, job title, education records (qualifications, student academic records) financial records and employment history, and family details, including confirmation of their relationship to the Data Subject;
 - 3.1.2. Identification numbers issued by government bodies, or agents, such as identity number, passport number, tax identification number, company registration number;
 - 3.1.3. Bank account, income or other financial information;
 - 3.1.4. Special or sensitive information as defined in applicable data protection legislation, which may include information pertaining to:
 - 3.1.5. Race or ethnic origin;
 - 3.1.6. Religious or philosophical beliefs or political opinions;
 - 3.1.7. Biometric information, such as fingerprints;
 - 3.1.8. Criminal behaviour;
 - 3.1.9. Trade union membership;
 - 3.1.10. Relevant information as required by applicable laws, including anti-money laundering legislation, and as part of Mpande's client onboarding processes, including evidence of source of funds.

4. PURPOSE OF PROCESSING PERSONAL INFORMATION

- 4.1. Personal Information collected / processed from or in relation to each Data Subject and the purpose for such collection / processing by Mpande is:
- 4.1.1. In compliance with the Financial Intelligence Centre Act No. 38 of 2001 (FICA), such Personal Information is collected/ processed from tenants, suppliers and new employees joining the organisation;
 - 4.1.2. To register the Data Subject as a client or service provider, as the case may be;
 - 4.1.3. To respond to requests for cost estimates;
 - 4.1.4. To provide the Data Subject with the services requested;
 - 4.1.5. To verify the identity of the Data Subject or its beneficial owners;
 - 4.1.6. To manage the relationship between Mpande and the Data Subject, which may include notifying the Data Subject of any significant changes to Mpande's terms or contact details / structure;
 - 4.1.7. To monitor, keep record of and have access to correspondence between Mpande and the Data Subject;

- 4.1.8. To disclose Personal Information to third parties for reasons set out in this policy or where it is not unlawful to do so;
- 4.1.9. In complying with applicable Laws, including lawful requests for information received from local or foreign law enforcement, government and tax collection agencies;
- 4.1.10. Fulfilling contractual obligations;
- 4.1.11. To fulfil audit requirements;
- 4.1.12. In relation to employees and directors, information is collected/ processed for recruitment processes, including evaluating and interviewing candidates;
- 4.1.13. Processing of payroll;
- 4.1.14. Reporting to SARS;
- 4.1.15. BBBEE audit purposes.
- 4.2. Any further processing of data must be compatible with the purpose(s) for which the information was collected.
- 4.3. Personal Information may not be further processed or used for any subsequent purpose, unless the information is required for a similar purpose, and such processing is compatible with the initial purpose.
- 4.4. Special Personal Information may only be processed in the following circumstances:
 - 4.4.1. Where the Data Subject has consented to the processing;
 - 4.4.2. If the information is being used for any human resource or payroll related requirement;
 - 4.4.3. If the processing is needed to create, use or protect a right or obligation in law;
 - 4.4.4. where the processing is for statistical or research purposes and all legal conditions are met;
 - 4.4.5. where the Data Subject has made the information publicly available;
 - 4.4.6. where the processing is required by law; and
 - 4.4.7. safeguards have been put in place to protect the Personal Information of the Data Subject.
- 4.5. The Regulator may impose reasonable conditions in respect of any authorisation granted under subsection (2).
- 4.6. Copies of correspondence that may contain Personal Information, are stored in archives for record-keeping and back-up purposes only.
- 4.7. Mpande will not, without an individual's consent, share information with any other third parties, for any purposes whatsoever, without written consent by the person to whom the Personal Information relates.

5. OBTAINING PERSONAL INFORMATION

- 5.1. Personal Information is acquired with the consent of the Data Subject, which consent can be withdrawn at any time by notification to Mpande.
- 5.2. As far as possible, Personal Information is collected directly from the Data Subject and relevant third-parties.

- 5.3. The third parties from whom we may collect your Personal Information include, but are not limited to, the following:
- 5.3.1. Appointed third parties (such as authorised agents, partners, contractors, and suppliers) for any of the purposes identified in this Privacy Policy;
 - 5.3.2. Your spouse, dependants, partners, employer, joint applicant or account holder and other similar sources;
 - 5.3.3. Attorneys, tracing agents, debt collectors and other persons that assist with the enforcement of agreements;
 - 5.3.4. Payment processing services providers, merchants, banks;
 - 5.3.5. Law enforcement and fraud prevention agencies, and other persons tasked with the prevention and prosecution of crime;
 - 5.3.6. Regulatory authorities, industry ombudsmen, government departments, and local and international tax authorities;
 - 5.3.7. Courts of law or tribunals;
 - 5.3.8. Marketing list providers;
 - 5.3.9. We also collect data by way of various technological applications, for instance, using server logs to collect and maintain log information.
 - 5.3.10. We also use cookies and anonymous identifiers which enable our computer system to recognise you when you next visit the Website to distinguish you from other users and to improve Mpande's services to you.
 - 5.3.10.1. Cookies are harmless text files that web servers can store on your computer's hard drive when you visit a website which help websites remember information about your device and how you use the website.
 - 5.3.10.2. Mpande's website has a cookie acceptance notice in place which links through to the legal/privacy section of the website, and the user may therefore elect to accept or reject cookies.
 - 5.3.10.3. Mpande's website only makes use of standard functional website cookies together with Google Analytics, which is used for anonymous website traffic and usage statistics. The site also uses basic functionality related to the contact forms on the website. There are currently no advertising or marketing tracking tools installed, including third-party advertising platforms.
- 5.4. Mpande will take reasonable steps to ensure that all Personal Information collected is complete, accurate and not misleading.
- 5.5. Where Personal Information is collected or received from third parties, Mpande will take reasonable steps to confirm that the information is correct by verifying the accuracy of the information with the Data Subject or by way of independent resources.

6. STORAGE AND SECURITY OF PERSONAL INFORMATION

- 6.1. Mpande will ensure that the Data Subject's Personal Information is securely stored electronically, which will be accessible to certain, authorised persons of Mpande on a need to know and operational basis, save that, where appropriate, some of the Data Subject's Personal Information may be retained in hard copy.
- 6.2. Personal Information is processed and stored at Fulham House, Ground Floor, Hampton Office Park, 20 Georgian Crescent, Bryanston.
- 6.3. Mpande strives to ensure the security, integrity and privacy of Personal Information submitted. Mpande will review and update its security measures in accordance with legislation and technological advances. Unfortunately, no data transmission over the Internet can be guaranteed to be totally secure, however, Mpande will endeavour to take all reasonable steps to protect the Personal Information, which an individual submits to Mpande. Mpande will always set the highest standards to ensure the integrity of their systems.
- 6.4. Mpande may engage with other organisations to provide support services to Mpande. Third Parties are obliged to respect the confidentiality of any Personal Information held by Mpande. A Service Level agreement is in place with all Third parties to ensure adherence to all Privacy Policies.
- 6.5. Mpande's employees are obliged to respect the confidentiality of any Personal Information held by Mpande. All employees are required to sign an employment contract which includes a confidentiality clause.
- 6.6. Mpande will not reveal any Personal Information to anyone unless:
 - 6.6.1. the Data Subject has consented to the sharing of its Personal Information;
 - 6.6.2. It is compelled to comply with legal and regulatory requirements or when it is otherwise allowed by law;
 - 6.6.3. It is in the public interest to prevent financial loss;
 - 6.6.4. It is for a legitimate interest;
 - 6.6.5. to fulfil a contractual obligation with the Data Subject;
 - 6.6.6. Mpande needs to do so to protect its rights; or
 - 6.6.7. By order of a court.
- 6.7. Mpande endeavours to take all reasonable steps to keep secure any information which they hold about an individual, and to keep this information accurate and up to date.
- 6.8. Mpande will not retain and/or store Personal Information longer than is necessary given the purpose for which the Personal Information was collected except where legally required to do so, or for historical, statistical and research purposes and then only with suitable safeguards in place to ensure the privacy and integrity of the Personal Information.

7. DESTRUCTION OF DOCUMENTS

- 7.1. Mpande is responsible for the destruction of any documents and electronic records of Personal Information that are no longer required or in use.
- 7.2. The documents will be shredded by Mpande or the company will procure services of an approved document disposal company.
- 7.3. Deletion of electronic records will be done in consultation with the company's IT function, to ensure that deleted information is incapable of being reconstructed and / or recovered.

8. TRANSBORDER TRANSFERS

- 8.1. Further processing and storage may require Mpande to send Personal Information to service providers outside the Republic of South Africa. Mpande will not share Personal Information to a country that does not have information protection legislation similar to that of the Republic of South Africa, unless the recipient agrees to effectively adhere to the principles for processing of information in accordance with POPIA.
- 8.2. Where appropriate, we request the third parties with whom we share information, to take adequate measures and comply with applicable data protection laws and to protect the information that we are disclosing. This is done through contractual arrangements with third parties, as well as internal measures to ensure that the third parties we appoint have appropriate measures to protect the information we provide to them.

9. RIGHTS OF THE DATA SUBJECT

- 9.1. The Data Subject has the right to request confirmation from Mpande of Personal Information that is held by Mpande.
- 9.2. Where a Data Subject believes that its Personal Information held by Mpande is incorrect or incomplete, the Data Subject has the right to request Mpande to view this information, rectify it or have it deleted.
- 9.3. In addition, a Data Subject may lodge a complaint about how Mpande has handled its Personal Information, by contacting Mpande's Information Officer at the contact details set out in paragraph 12.
- 9.4. If a Data Subject believes that its query relating to its Personal Information is not, adequately dealt with, the Data Subject may contact the Information Regulator to file an official complaint. The Regulator's contact details are available at www.inforegulator.org.za.

10. BREACH OF SECURITY

- 10.1. Mpande undertakes to ensure reasonable organisation and technical measures are in place to prevent, insofar as possible, any infringements on the privacy and integrity of Personal Information.
- 10.2. In the event of a breach of security Mpande undertakes to notify the Regulator and the Data Subject in writing as soon as possible of any breach of security.

- 10.3. Notification to the Data Subject shall be done via mail to the Data Subject's last known physical or postal address / e-mail to the Data Subject's last known e-mail address / publication on the Data Subject's website, or as directed by the Regulator.

11. TRAINING

- 11.1. As part of its commitment to ensuring organisation wide compliance with this policy, Mpande implements annual training for all operational and investment staff members. Mpande will provide annual training to all staff members, covering the contents of this policy, as well as all data privacy and data processing laws applicable to Mpande.
- 11.2. Staff members / employees must:
- attend scheduled training; and
 - familiarise themselves with the content of this policy.

12. INFORMATION OFFICER / CONTACT DETAILS

- 12.1. Any questions relating to Mpande's privacy policy or the treatment of an individual's personal data should be addressed to the Information Officer, whose contact details are:
- Information Officer: Nomzamo Letswele
 - Telephone number: +27 10 746 0410 (switchboard)
 - Postal address: Fulham House, Ground Floor, Hampton Office Park, 20 Georgian Crescent, Bryanston
 - Physical address: Fulham House, Ground Floor, Hampton Office Park, 20 Georgian Crescent, Bryanston
 - Email address: nomzamo.letswele@mpandeasset.com or info@mpandeasset.com

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