

Welcome to Sunfield Home (Wellington) NPC's Privacy Policy. At Sunfield Home we respect your privacy and we are committed to protecting your Personal Information. This policy ("Policy") explains how we process personal information and your privacy rights.

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.

Reference to "Consent", "your Consent" or "your explicit Consent" shall include the ticking of a tick box or clicking on a "Send" button or "Submit" button or "Subscribe" button or when completing an application / registration form and submitting same to us or sending a reply by email after we have made available our Privacy Policy to you.

1) IMPORTANT INFORMATION AND WHO WE ARE

a) Responsible Party

- i) Sunfield Home (Wellington) NPC is a Responsible Party when engaging with you as a user of our website, other social media sites ("Sites") and provisioning of any of our Services, and responsible for your Personal Information (also referred to as "Sunfield Home ", "we", "us" or "our" in this Privacy Policy).
- ii) 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, please contact the IO using the details set out below.

b) Contact details

- i) If you have any questions about this Policy or our privacy practices, please contact us at:
 - (1) Information Officer: CHRISTIE VIVIERS (Director) / Deputy Information Officer: Elmarie van Schalkwyk (Executive Manager)
 - (2) Email address: christie@faurefaure.co.za | elmarie@sunfieldhome.co.za
 - (3) Phone number: +27 871 1200 | +27 007 0034
 - (4) Other Contact details: as per our website [Contact Us](#)
- ii) 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 (<https://www.justice.gov.za/inforeg/>). **We would, however, appreciate the chance to deal with your concerns before you approach the IR, so please contact us in the first instance.**

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

- i) We keep our Policy under regular review. This version was last updated as per the date in the footer. Archived versions can be obtained by contacting us. Any changes made to our Policy in future will be posted on our website. The new version will apply the moment it is published on our website.
- ii) It is important that the Personal Information we hold about you is accurate and current. Please keep us informed if your Personal Information changes during your relationship with us.

d) Third-party links: Our Sites 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 this website or our social media sites, WE WILL 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 ABOUT YOU

- a) Personal Information means the information as per the Definitions. Personal Information does not include data where the identity of the data subject has been removed (anonymous data / de-identified data).
- b) Processing has the meaning described in the Definitions below.
- c) We may Process different kinds of Personal Information about you when we engage with you, which we have grouped together as follows:
 - i) **Identity Data** includes first name, last name or similar identifier, title, date of birth and gender.
 - ii) **Contact Data** includes physical address, email address and telephone numbers.
 - iii) **Special Personal Information** includes religious, biometric and health information.
 - iv) **Transaction Data** includes details about payments/ donations from you and other details of services you have acquired from us or accessed on our website.
 - v) **Technical Data** includes internet protocol (IP) address, 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.
 - vii) **Marketing and Communications Data** includes your preferences in receiving marketing from us and our Third parties and your communication preferences.

- d) We also collect, use and share aggregated data and pattern data such as (but not limited to) statistical or demographic data for any purpose (**Aggregated Data**). Aggregated 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 identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your Personal Information so that it can directly or indirectly identify you, we treat the combined data as Personal Information which will be used in accordance with this Privacy Policy.
- e) 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.
- f) **Special Personal information:** We do collect **Special Personal Information** about: -
 - i) you, however, we will only process this information subsequent to acquiring your consent and then in accordance with this Privacy Policy;
 - ii) your child/children (in instances where you have curatorship over your child/children), however we will only process this information subsequent to acquiring your consent as Competent Person and then in accordance with this Privacy Policy; and
 - iii) you and/or the child/children's health condition when completing our COVID19 form prior to accessing our premises (COVID19 information).
- g) **Submission of Personal Information on behalf of another:** If you provide information on behalf of someone else, then it is your responsibility to obtain the necessary Consent from the person/ User 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 instructions. By submitting such Personal Information on behalf of another person/ User, you indemnify us against any Third-party claim, where such Third-party claim relates to Personal Information that has been processed without the necessary Consent or other available exception allowed by law.
- h) **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 YOUR PERSONAL INFORMATION COLLECTED?

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

- a) **Direct interactions.** You may directly provide us with your Personal Information when you: -
 - i) subscribe to our newsletter or blog (if any);
 - ii) engage with us via Zoom, Skype or any other Video conferencing facility;
 - iii) access any of our facilities/ offices/ premises;
 - iv) apply/ sign up for any of our Services (subject to the specific service terms and conditions);
 - v) completion of a COVID19 questionnaire;
 - vi) attend any of our events or volunteer at any one of our events/ facilities;
 - vii) give us feedback; or
 - viii) contact us via our contact form, WhatsApp or other social media sites messaging platforms we may subscribe to.
- b) **Automated technologies or interactions.** As you interact with our website, we will automatically collect Technical Data about your equipment/devices, browsing actions and patterns. We collect this Personal Information by using cookies (see [section Error! Reference source not found.](#)), 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 and payment services.
 - iii) Identity and Contact Data from publicly available sources such as CIPC.

4) HOW WE USE YOUR PERSONAL INFORMATION

- a) We will not sell your Personal Information. We will only use your Personal Information within the framework of the law. Most commonly, we will use your Personal Information in the following circumstances:
 - i) Where you have given us your Consent; or
 - ii) Where we need to perform the contract, we are about to enter into or have entered into with you; or
 - iii) Where it is necessary for the protection of the Data Subject's legitimate interest;
 - iv) Where it is necessary for our legitimate interests (or those of a Third party) and your interests and fundamental rights do not override those interests; or
 - v) Where we need to comply with a legal obligation.
- b) Generally, we do not rely on Consent only as a legal basis for Processing your Personal Information although we will get your Consent before sending Third-party direct marketing communications to you via email or text message. You have the right to withdraw Consent to marketing at any time by contacting us.
- c) **Purposes for which we will use your Personal Information**

- i) We have set out below, in a table format, a description of all the ways we plan to use your Personal Information, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.
- ii) Note that we may process your Personal Information for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your Personal Information where more than one ground has been set out in the table below.
- iii) Note that we process Special Personal Information strictly in accordance with the *POPI Act*.

| Purpose/Activity | Type of data | Lawful basis for processing including basis of legitimate interest |
|--|--|--|
| (a) To receive Sunfield Home communications as Customer of Sunfield Home (b) To sign you up for our newsletter (if any) (as a non-customer) \\ (c) To sign you up for our newsletter (as a customer) (d) To sign you up for our events/ or as a volunteer | (a) Identity (b) Contact | (a) Existing Customer (as per <i>POPI Act</i>) of Sunfield Home (b) Consent |
| To register you or your child/children (in the case where there is curatorship) as a potential resident or day resident and/or you as a Parent/Guardian | (a) Identity (b) Contact (c) Financial (d) Special Personal Information | (a) Your Consent (a) To conclude a contract with you (b) Necessary for our legitimate interests (to provide special support and make special arrangements for resident/day resident) |
| To process and assist with payment for Services executed to you: (a) Manage payments, fees and charges (b) Collect and recover money owed to us | (a) Identity (b) Contact (c) Financial, (d) Transaction (e) Marketing \ Communication (f) Technical | (a) Your consent (b) Performance of a contract with you (c) Necessary for our legitimate interests (to recover debts due to us) |
| To manage our relationship with you: (a) To deliver the Services; (b) Notify you of changes to the Services (c) Notifying you about changes to our terms or privacy policy or Service terms and conditions; (d) To reply to your submission via our "Contact-Us" page (e) To send you our newsletters | (a) Identity (b) Contact (c) Marketing/Communications | (d) Consent (e) Performance of a contract with you (f) Necessary to comply with a legal obligation (g) Necessary for our legitimate interests (to keep our records updated and to study how Customers use our services) |
| To follow our COVID19 protocol and determine whether you can be allowed on to our premises | (a) Identity (b) Contact (c) Special Personal Information | (a) Consent (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests and the interest of other persons on the premises |
| To monitor our premises for security purposes To monitor certain workshop sessions for quality and observation purposes (as per specific permission) [Subject to our CCTV Policy] | (a) Identity (b) Special Personal Information | (a) Your consent (for observation purposes, specific consent when required and subject to CCTV Policy); (b) Necessary for our legitimate interests (to keep our records updated and to study how customers use our services) |
| To administer and protect our organisation and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data) | (a) Identity (b) Contact (c) Technical | (a) Necessary for our legitimate interests (for running our organisation/ website, provision of administration and IT services, network security, to prevent fraud) (b) Necessary to comply with a legal obligation |
| To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you | (a) Identity (b) Contact (c) Usage (d) Marketing / Communications (e) Technical | (a) Your consent (b) Necessary for our legitimate interests (to study how customers use our products/services, to develop them, to grow our business and to inform our marketing strategy) |
| To use data analytics to improve our website, products/ services, marketing, customer relationships and experiences | (a) Technical, (b) Usage | a) Necessary for our legitimate interests (to define types of customers for our products and services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy) |
| To make suggestions and recommendations to you about Services that may be of interest to you | (a) Identity (b) Contact (c) Technical (d) Usage (e) Marketing/ Communications | (a) As existing customer of Sunfield Home (b) Necessary for our legitimate interests (to develop our services and grow our business) |
| To assist Emergency Services (External Third Party) | (a) Identity (b) Contact (c) Special Personal Information | (a) Necessary for the protection of the data subject's (parent/guardian or child) legitimate interest. (b) Necessary for the protection of the Sunfield Home legitimate interest |

- d) **Marketing:** We strive to provide you with choices regarding certain Personal Information uses, particularly around marketing and advertising.
- i) More information about our services and/or products
 - (1) Once you have utilised any of our services (i.e. concluded a Resident or Day Resident Contract), you will be seen as a customer of Sunfield Home;
 - (2) As a customer 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 and offers may be relevant for you (we call this marketing).
 - (3) As a customer you will receive marketing communications from us if you have not opted out of receiving that marketing. **Important:** you may ask us on submission of your Identity and Contact information not to send you the above-mentioned information. At any time, subsequent to our initial engagement, you can make use of the opt-out options under par. iv) below;
 - ii) Not a Customer of Sunfield Home yet:
 - (a) We may collect through one of our employees/members, or through our mailing system, your email address; however;
 - (b) Before we use same for any direct marketing purposes, we will ask you for Consent (opt-in) prior to sending you direct marketing material.
 - iii) 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 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 Gauteng). **IMPORTANT: We do not disclose information about identifiable individuals to our advertisers.**
 - iv) Opting out
 - (1) You can ask us or Third parties to stop sending you marketing messages at any time by using their unsubscribe function on direct marketing communications 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 communications, this will not apply to Personal Information provided to us as a result of services requested, Service experience or other transactions.
- e) **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 YOUR PERSONAL INFORMATION

- a) We may share your 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 your Personal Information to our group, we ensure your Personal Information is protected by requiring all our group affiliates to follow this policy when Processing your Personal Information.
 - ii) **External Third parties** as set out in the *Definitions* and to those external parties as per your instructions.
 - (1) We may provide such information to affiliates in the Sunfield Home organisation, to collaborating parties or other trusted businesses or persons for the purpose of Processing Personal Information on our behalf.
 - (2) Where we make use of External Parties to deliver certain parts of the Sunfield Home services we will conclude a Processing of Personal information / Operator Agreement with said parties before sharing Personal Information with them.
 - (3) We may seek to acquire other businesses or merge with them. If a change happens to our organisation, then the new members may use your Personal Information in the same way as set out in this privacy policy.
 - (4) We require all Third parties to respect the security of the Personal Information we make available to them and to treat it in accordance with the law. We require that these parties agree to process such information based on our instructions and in compliance with this Privacy Policy and any other appropriate confidentiality and security measures.
 - (5) 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.
 - (6) Where Personal Information, about the Resident/ Day Resident, needs to be shared with a doctor or occupational therapist or social worker we will first obtain the Competent Person's Consent where reasonably possible and where it is not an emergency to protect the legitimate interest of the Data Subject.

6) DATA SECURITY

- a) We have put in place appropriate technological and organisational measures to prevent your Personal Information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your Personal Information to those employees, agents, contractors and other Third parties who have a business need to know. They will only process your Personal Information on our instructions and they are subject to a duty of confidentiality.

- b) Where required by law we will notify you and any applicable regulator of a breach where we are legally required to do so.

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. 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) Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide protection to personal information similar to the conditions under the POPI Act, which we believe are good principles to ensure compliance.
- b) **By submitting your Personal Information to us you consent to the transfer of your Personal Information outside the borders of your country (when required).**

8) DATA SECURITY

- a) We have 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, we limit 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 our 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.

9) DATA RETENTION

How long will you use my Personal Information for?

- a) We will only retain your Personal Information for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal or regulatory requirements. We may retain your Personal Information for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.
- b) To determine the appropriate retention period for Personal Information, we consider the amount, nature and sensitivity of the Personal Information, the potential risk of harm from unauthorised use or disclosure of your Personal Information, the purposes for which we process your Personal Information and whether we can achieve those purposes through other means, and the applicable legal, regulatory or other requirements.
- c) In some circumstances you can ask us to delete your data: see 12) below for further information.
- d) In some circumstances we will anonymise your Personal Information (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

10) RECORDS

We will keep detailed, accurate and up-to-date written records regarding any Processing of Personal Information we carry out, including but not limited to, the access, control and security of the Personal Information and approved subcontractors, the Processing purposes, categories of Processing and related safeguards, the instructions as received from our Customers and a general description of the technical and organisational security measures and retention and destruction of Personal Information.

11) SOCIAL MEDIA

- a) Our website 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 Twitter (for example by registering an account), your activity on our websites 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 one of our websites 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 one of our websites, 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) YOUR LEGAL RIGHTS

- a) Under certain circumstances, you have the following rights under data protection laws in relation to your 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 you to receive a copy of the Personal Information we may hold about you and that you are entitled to obtain and to verify whether we are lawfully Processing it. See the Sunfield Home Promotion of Access to Information Manual ("PAI Manual").
 - ii) **Request correction** of Personal Information. This enables you to have any incomplete or inaccurate data we may hold about you corrected, though we may need to verify the accuracy of the new data you provided to us.
 - iii) **Request erasure** of your Personal Information. This enables you to ask us to delete or remove Personal Information 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 Information where you have successfully exercised your right to object to Processing (see below), where we may have Processed your information unlawfully or where we are required to erase your Personal Information to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
 - iv) **Object to Processing** of your Personal Information where we are relying on a legitimate interest (or those of a Third party) and there is something about your particular situation which makes you want to object to Processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are Processing your Personal Information for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to Process your information which override your rights and freedoms.
 - v) **Request restriction of Processing** of your Personal Information. This enables you to ask us to suspend the Processing of your Personal Information in the following scenarios:
 - (1) If you want us to establish the data's accuracy.
 - (2) Where our use of the data is unlawful, but you do not want us to erase it.
 - (3) Where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims.
 - (4) You have objected to our use of your data, but we need to verify whether we have overriding legitimate grounds to use it.
 - vi) **Request the transfer** of your Personal Information to you or to a Third party. We will provide to you, or a Third party you have chosen, your Personal Information in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided Consent for us to use or where we used the information to perform a contract with you.
 - vii) **Withdraw Consent** at any time where we are relying on Consent to Process your Personal Information. However, this will not affect the lawfulness of any Processing carried out before you withdraw your Consent. If you withdraw your Consent, we may not be able to provide certain services to you. We will advise you if this is the case at the time you withdraw your Consent.
- b) If you wish to exercise any of the rights set out above, please contact our Information Officer at the details mentioned 1)b) above.
- c) **Fee required:** Apart from the prescribed fees under the PAI Act, you will not have to pay a fee to access your Personal Information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances.
- d) **What we may need from you:** We may need to request specific information from you to help us confirm your identity and ensure your right to access your Personal Information (or to exercise any of your 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 you to ask you for further information in relation to your request to speed up our response.
- e) **Time limit to respond:** We try to respond to all legitimate requests within 30 (thirty) days. Occasionally it could take us longer than 30 (thirty) days if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

13) SUBCONTRACTORS

- a) We may authorise a Third party (subcontractor) to Process the Personal Information on our behalf. Where we use subcontractors, we 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 we entrust to the subcontractor;
- b) We agree to select subcontractors carefully according to their suitability and reliability.
- c) A subcontractor within the meaning of this Privacy Policy shall not exist if we commission 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, we remain fully liable to you for the subcontractor's performance of its agreement obligations.
- e) We consider Sunfield Home to control any Personal Information controlled by or in the possession of its subcontractors.
- f) We undertake 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 our instructions.

14) DEFINITIONS

- a) **Competent Person** means any person who is legally competent to consent to any action or decision being taken in respect of any concerning child;
- b) **Consent** means any voluntary, specific and informed expression of will in terms of which permission is given for the Processing of Personal Information.
- c) **Customer** means a Data Subject who is a Customer of Sunfield Home -
 - i) if Sunfield Home has obtained the contact details of the Data Subject in the context of the provision of services;
 - ii) for the purpose of direct marketing of the Sunfield Home's own services; and
 - iii) if the Data Subject has been given a reasonable opportunity to object free of charge and in a manner free from unnecessary formality to such use of his, her or its electronic details-
 - (1) at the time when the information was collected; and
 - (2) on the occasion of each communication with the data subject for the purpose of marketing if the data subject has not initially refused such use.
- d) **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 Sunfield Home or a relevant Third party.
- e) **Legitimate Interest** means the interest of our organisation in conducting and managing our affairs to enable us to give you the best service and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we Process your Personal Information for our legitimate interests. We do not use your Personal Information for activities where our interests are overridden by the impact on you (unless we have your Consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.
- f) **PAI Act** means the [Promotion of Access to Information Act](#), Act 2 of 2000.
- g) **Performance of Contract** means Processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.
- h) **Personal Information** means information as defined under the POPIA.
- i) **POPIA** means the [Protection of Personal Information Act](#), Act 4 of 2013.
- 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 restricting, degradation, erasure or destruction of information.
- k) race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and biometric information or criminal convictions and offences.
- l) **THIRD PARTIES**
 - i) **Internal Third parties:** Partners, affiliates, employees, shareholders, directors and/ or agents of Sunfield Home , acting as joint responsible parties or operators and who are based in South Africa and who may also provide IT and system administration services and undertake leadership reporting.
 - ii) **External Third parties**
 - (1) Service providers acting as operators who provide IT and system administration services, subject to a processing of Personal Information agreement between them and us.
 - (2) Professional advisers acting as operators or joint Responsible Parties, including lawyers, bankers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services.
 - (3) Medical Professionals acting as operators or joint Responsible Parties in the provisioning of Services to residents at Sunfield Home.
 - (4) Regulators and other authorities acting as operators or joint Responsible Parties based in the Republic of South Africa who require reporting of Processing activities in certain circumstances.
 - (5) Court of law or any other authority where we have an obligation under law to share your Personal Information;
 - (6) In the event that we sell or buy any business or assets, in which case we may disclose your Personal Information to the prospective seller or buyer of such business or assets.