



## Privacy Notice - PoPIA

### **Introduction**

Welcome to our Website Privacy Policy. This is our plan of action when it comes to protecting your privacy. We respect your privacy and take the protection of personal information very seriously.

### **Purpose**

The purpose of this policy is to describe the way that we collect, store, use, and protect information that can be associated with you or another specific natural or juristic person and can be used to identify you or that person, such as name(s), surname combined with your physical address, contact details and/or passport/identity number. Personal information (in South Africa) also refers to the personal information that uniquely identifies a legal entity, such as the trading name of a business combined with the registration number.

### **How we handle your personal information**

#### **Audience**

This policy applies to you if you are:

- a visitor to our website; or
- a client who is or has made use of the services we provide.

#### **Personal information**

Personal information includes:

- certain information that we collect automatically when you visit our website;
- certain information collected on the "Contact Us" page;
- Information you provide when becoming a client; and
- optional information that you provide to us voluntarily,

but excludes:

- information that has been made anonymous so that it does not identify a specific person;
- permanently de-identified information that does not relate or cannot be traced back to you specifically;
- non-personal statistical information collected and compiled by us; and
- information that you have provided voluntarily in an open, public environment or forum including any blog, chat room, community, classifieds, or discussion board (because the information has been disclosed in a public forum, it is no longer confidential and does not constitute personal information subject to protection under this policy).

Personal information includes information we collect:

- automatically when you visit our website,
- on submission of the request to contact you, and
- from you voluntarily.

Personal information may be given to or collected by us in writing as part of a written application form, electronically such as email, telephonically, online or via any app used by us.

It excludes:

- anonymous,
- de-identified,
- non-personal statistical, and
- public information.

Processing of personal information includes any initial processing that we do when we first collect your personal information. It also includes any further and ongoing processing that we are allowed to carry out legitimately in terms of the reasons listed below.

The term “processing” includes collecting, using, altering, merging, linking, organising, disseminating, storing, retrieving, disclosing, erasing, archiving, destroying, or disposing of personal information.

### **Common examples**

Common examples of the types of personal information which we may collect, and process include your:

- identifying information – such as your name, date of birth, or identification number of any kind;
- contact information – such as your phone number or email address;
- address information – such as your physical or postal address; or
- demographic information – such as your gender or marital status.

### **Sensitive personal information**

Depending on the services that you require, we may also collect sensitive personal information including your:

- financial information – such as your bank account details;
- sensitive demographic information – such as your race or ethnicity;
- medical information – such as information about your physical or mental health;
- sexual information – such as information about your sex life or sexual orientation.

### **Acceptance required**

You must accept all the terms of this policy when you request our services. If you do not agree with anything in this policy, then you may not request our services.

### **Legal capacity**

You may not access our website or request our services if you do not have legal capacity to conclude legally binding contracts.

### **Deemed acceptance**

By using this website in any way, you are deemed to have read, understood, accepted, and agreed to be bound by all this website's terms.

### **Your obligations**

You may only send us your own personal information or the information of another data subject where you have their permission to do so.

### **Changes**

We may change the terms of this policy at any time by updating this web page. We will notify you of any changes by placing a notice in a prominent place on the website or by sending you an email detailing the changes that we have made and indicating the date that they were last updated. If you do not agree with the changes, then you must stop using the website and our services. If you continue to use the website or our services following notification of a change to the terms, the changed terms will apply to you, and you will be deemed to have accepted those updated terms.

### **Collection**

#### **On Engagement**

Once you engage with us you will no longer be anonymous to us. You will provide us with certain personal information when you make contact with us.

This personal information might include:

- your name and surname;
- your email address;
- your telephone number;
- your company name, company registration number, and VAT number;
- your postal address or street address; and
- your username and password.

We will use this personal information to fulfil the service your requested, provide additional services and information to you as we reasonably think appropriate, and for any other purposes set out in this policy.

#### **On request**

When you request our services from us, you will be asked to provide us with additional information on a voluntary basis.

### **From browser**

We automatically receive and record Internet usage information on our server logs from your browser, such as your Internet Protocol address (IP address), browsing habits, click patterns, version of software installed, system type, screen resolutions, colour capabilities, plug-ins, language settings, cookie preferences, search engine keywords, JavaScript enablement, the content and pages that you access on the website, and the dates and times that you visit the website, paths taken, and time spent on sites and pages within the website (usage information).

Please note that other websites visited before entering our website might place personal information within your URL during a visit to it, and we have no control over such websites. Accordingly, a subsequent website that collects URL information may log some personal information.

### **Cookies**

We may place small text files called “cookies” on your device when you visit our website. These files do not contain personal information, but they do contain a personal identifier allowing us to associate your personal information with a certain device.

These files serve several useful purposes for you, including:

- tailoring our website’s functionality to you personally by letting us remember your preferences;
- improving how our website performs;
- allowing third parties to provide services to our website; and
- helping us deliver targeted advertising where appropriate in compliance with the applicable laws.

Your internet browser generally accepts cookies automatically, but you can often change this setting to stop accepting them. You can also delete cookies manually. However, no longer accepting cookies or deleting them will prevent you from accessing certain aspects of our website where cookies are necessary.

Many websites use cookies, and you can find out more about them at: [www.allaboutcookies.org](http://www.allaboutcookies.org)

### **Third party cookies**

Some of our business partners or advertisers use their own cookies or widgets on our website. We have no access to or control over them. Information collected by any of those cookies or widgets is governed by the privacy policy of the company that created it, and not by us.

### **Web beacons**

Our website may contain electronic image requests (called a single-pixel gif or web beacon request) that allow us to count page views and to access cookies. Any electronic image viewed as part of a web page (including an ad banner) can act as a web beacon. Our web beacons do not collect, gather, monitor, or share any of your personal information. We merely use them to compile anonymous information about our website.

### **Optional details**

You may also provide additional information to us on a voluntary basis (optional information). This includes content or products that you decide to upload or download from our website or when you enter competitions, take advantage of promotions, respond to surveys, order certain additional services, or otherwise use the optional features and functionality of our website.

### **Recording calls**

We may monitor and record any telephone calls that you make to us unless you specifically request us not to.

### **Purpose for collection**

We will only collect and process your personal information for the reason you provided it to us, or to enable us to comply with the requirements of specific local or foreign laws that we are governed by; or to comply with any regulations, directives, judgments or court orders, government sanctions or embargoes, reporting requirements under financial transactions legislation, and demands of any authority, regulator, tribunal, enforcement agency or exchange body.

We may process your personal information to protect your or our legitimate interests. We will not collect and process personal information about you that we do not need for this purpose.

The general purposes for which we collect and processes your personal information include, but are not limited to:

- services purposes – such as collecting detailed, specific information in line with the specific service requested;
- marketing purposes – such as pursuing lawful related marketing activities;
- business purposes – such as internal audit, accounting, business planning, and joint ventures, disposals of business, or other proposed and actual transactions; and
- legal purposes – such as handling claims, complying with regulations, or pursuing good governance.

We may use your usage information for the purposes described above and to:

- remember your information so that you will not have to re-enter it during your visit or the next time you access the website;
- monitor website usage metrics such as total number of visitors and pages accessed;
- track your entries, submissions, and status in any promotions or other activities in connection with your usage of the website;
- create a record of you on our system to verify your identity, assess your application for services, provide you with the services you have applied for and then communicate with and keep you informed about the progress;
- meet your needs by providing you with customised offers, experiences, and communications;
- provide discretionary and administrative services;
- identify you and verify your physical address, source of funds, income and similar information as required by legislation;

- assess your personal financial circumstances and needs before providing either advice and/or services to you. In this regard, we may collect your personal information from you in your capacity as our prospective client;
- identify any purpose related to the prevention of financial crime, including fraud detection and prevention, sanctions screening, adverse media screening, monitoring of anti-money laundering and any financing of terrorist activities;
- manage our business and identifying potential trends within the market, to ensure our services are future-fit.
- enforce our obligations, including without limitation the collection of amounts outstanding from you and your provision of security;
- further process for historical, statistical or research purposes where the outcomes will not be published in an identifiable format;
- conduct analytical operations to better understand you as our customer so that we can tailor our service offerings to you, where relevant and applicable;
- provide income tax-related information to tax authorities (if applicable);
- identify any purposes relating to the sale or transfer of any of our businesses, legal entities or assets as part of corporate transactions;
- conduct surveys to gauge customer or employee sentiment or to improve our product and service offering;
- where you have applied for employment with us, to perform applicant screening and background checks, and such screening may include social media screening and screening relating to any information about you we may obtain from publicly available sources such as search engine results;
- where you are an employee (including contractors), we create an employment record of you on our system to facilitate continuous monitoring during your employment with us;
- where you have been identified as a next of kin by an employee or client, we create a record of you on our system; and
- where you are a supplier to us, we process your personal information for due diligence, risk assessment, administrative and payment purposes.

Furthermore, we will not process your special personal information unless:

- You have consented to processing it (in circumstances where we are legally obliged to obtain your consent); or
- It is necessary to exercise or defend a right or obligation in law; or
- It is necessary to comply with an international legal obligation of public interest; or
- It is for certain historical, research or statistical purposes that would not adversely affect your privacy; or
- You have deliberately made your personal information public.

There are some personal information fields that you must fill in or provide if you want us to provide you with your chosen service or onboard you as an employee, supplier, director, or job applicant. This information can be provided in writing, electronically or telephonically, but it must be accurate and complete. These fields are indicated by an asterisk (or as otherwise indicated) on the respective forms/page on website. If we do not receive the necessary personal information, we will not be able to continue with your request or application.

If you are already a(n) customer/employee/supplier/director and we ask you for this information and you do not provide it, we will have to suspend the provision of the business relationship for a period, or even terminate our relationship with you.

In most cases, personal information will be collected directly from you, but there may be other instances when we will collect personal information from other sources. These may include public records, places where you may already have made your personal information public (for example, on social media where your settings on such social media are set to 'public'), credit bureaus, or individuals/directors whom you have appointed as your representative, where you are a corporate entity.

We will only collect your personal information from other sources where we are legally entitled or obliged to do so, and you are entitled to ask us which sources we used to collect your personal information.

For the purposes outlined above, we will, in most instances, collect and process your personal information internally. However, there are times when we need to outsource these functions to third parties, which might include parties in other countries.

Where your personal information is shared internally, such sharing will be carried out only for the purposes outlined above. We may also need to share your personal information with external organisations, such as credit bureaus, tax authorities or other regulatory or industry bodies, so that we can meet our due diligence or regulatory requirements. We may need to share your personal information with our business partners or counterparties, where we are involved in corporate transactions relating to the sale or transfer of any of our business, legal entity or assets, or to any party to whom we assign our rights under any of our agreements for particular products and services.

We will not share your personal information with third parties who do not need your personal information, or where we are not legally permitted to do so. When we decide to transfer your personal information to third parties, we will only provide it to organisations that have data privacy policies equivalent to ours, or subject to appropriate contractual obligations, or to those who are subject to laws relating to the processing of personal information that are similar to those that apply to us.

There may be instances where we will process your personal information through a secure automated tool, or perform profiling and make decisions, based on such profiling, that may affect you significantly (for example, the automatic non-approval of credit that you may have applied for through any of our online channels, or the automatic non-approval of an application for employment, or engagement as a supplier).

If you are unhappy about the outcome of such a decision or would like further information on how such outcome was reached, please contact: [rencke@comalan.co.za](mailto:rencke@comalan.co.za)

### **Messages and updates**

We might send you promotional messages. You can choose to opt-out of promotional messages. We are allowed to send you one message asking you to opt-into promotional messages without you having opted-into promotional messages.

### **Targeted content**

While you are logged into the website, we may display targeted adverts and other relevant information based on your personal information. In a completely automated process, computers process the personal information and match it to adverts or related information. We never share personal information with any advertiser unless you specifically provide us with your consent to do so. Advertisers receive a record of the total number of impressions and clicks for each advert. They do not receive any personal information. If you click on an advert, we may send a referring URL to the advertiser's website identifying that a customer is visiting from the website. We do not send personal information to advertisers with the referring URL. Once you are on the advertiser's website however, the advertiser might be able to collect your personal information.

### **Disclosure or Sharing**

We may share your personal information with:

- other divisions or companies within the group of companies to which we belong so as to provide joint content and services like registration, for transactions and customer support, to help detect and prevent potentially illegal acts and violations of our policies, and to guide decisions about our services, and communications (they will only use this information to send you marketing communications if you have requested their goods or services);
- an affiliate, in which case we will seek to require the affiliates to honour this privacy policy;
- our goods or services providers under contract who help provide certain goods or services or help with parts of our business operations, including fraud prevention, bill collection, marketing, technology services (our contracts dictate that these goods or services providers only use your information in connection with the goods or services they supply or services they perform for us and not for their own benefit);
- credit bureaus to report account information, as permitted by law;
- banking partners as required by credit card association rules; and
- other third parties who provide us with relevant services where appropriate.

### **Regulators**

We may disclose your personal information as required by law or governmental audit.

### **Law enforcement**

We may disclose personal information if required:

- by a subpoena or court order;
- to comply with any law;
- to protect the safety of any individual or the general public; and



- to prevent violation of our customer relationship terms.

### **No selling**

We will not sell personal information. No personal information will be disclosed to anyone except as provided in this privacy policy.

### **Marketing purposes**

We may disclose aggregate statistics (information about the customer population in general terms) about the personal information to advertisers or business partners.

### **Employees**

We may need to disclose personal information to our employees that require the personal information to do their jobs. These include our responsible management, human resources, accounting, audit, compliance, information technology, or other personnel.

### **Change of ownership**

If we undergo a change in ownership, or a merger with, acquisition by, or sale of assets to, another entity, we may assign our rights to the personal information we process to a successor, purchaser, or separate entity. We will disclose the transfer on the website. If you are concerned about your personal information migrating to a new owner, you may request us to delete your personal information.

### **Security**

We take the security of personal information very seriously and always do our best to comply with applicable data protection laws. Our hosting company will host our website in a secure server environment that uses a firewall and other advanced security measures to prevent interference or access from outside intruders. We authorize access to personal information only for those employees who require it to fulfil their job responsibilities.

We implement disaster recover procedures where appropriate.

### **Accurate and up to date**

We will try to keep the personal information we collect as accurate, complete, and up to date as is necessary for the purposes defined in this policy. From time to time, we may request you to update your personal information.

You can review or update any personal information that we hold on you, by emailing or phoning us. Please note that to better protect you and safeguard your personal information, we take steps to verify your identity before granting you access to your account or making any corrections to your personal information.

### **Retention**

We will only retain your personal information for as long as it is necessary to fulfil the purposes explicitly set out in this policy, unless:

- retention of the record is required or authorised by law; or
- you have consented to the retention of the record.

During the period of retention, we will continue to abide by our non-disclosure obligations and will not share or sell your personal information. We may retain your personal information in physical or electronic records at our discretion.

### **Transfer to another country**

We may transmit or transfer personal information outside of the country in which it was collected to a foreign country and process it in that country. Personal information may be stored on servers located outside the country in which it was collected in a foreign country whose laws protecting personal information may not be as stringent as the laws in the country in which it was collected. You consent to us processing your personal information in a foreign country whose laws regarding processing of personal information may be less stringent.

### **Updating or removing**

You may choose to correct or update the personal information you have submitted to us, by contacting us via phone or email.

### **Communication**

We will adhere to your communication preferences whenever we can, but we may need to send you important communications via a channel that is not your preference. We will only do so in cases where we deem the information to be important and relevant for you.

### **European Union or United Kingdom**

To the extent that local legislation permits or if you are a resident of the European Union or United Kingdom, you have the following rights regarding your personal information:

- The right to access your personal information that we have on record. Please refer to our PAIA Manual for the process to access your personal information.
- You have the right to ask us to correct any of your personal information that is incorrect. These requests must be sent to us in writing use the Request for Action in respect of Personal Information Form available at: <https://inforegulator.org.za/paia-forms/>
- You can ask us to delete or destroy your personal information. You can also object to our processing your personal information. These requests must be sent to us in writing using the abovementioned form. However, the result of such a request will be that we may have to suspend the provision of products and/or services for a period, or even terminate our relationship with you. Our records are subject to regulatory retention periods, which means that we may not be able to delete or destroy your personal information immediately upon request.
- If you have a complaint relating to the protection of your personal information, including the way in which it has been collected or processed by us, please contact us using the local contact details as listed below. If you have not had your complaint dealt with satisfactorily, you may lodge a complaint with your local privacy regulator in terms of applicable privacy laws.

### **Crawlers and Spiders**

No person, business or website may use any technology to search and/or gain information from our website without our prior written permission. Limitation We are not responsible for, give no warranties, nor make any representations in respect of the privacy policies or practices of linked or any third-party websites.

You understand and acknowledge that you may be exposed to User Content that is inaccurate and you agree that we will not be held liable for any damages you allege to incur because of such User Content.

### **Copyright and Intellectual Property Rights**

For the purposes of these terms and conditions, “Intellectual Property Rights” means all patents, copyrights, trademarks, trade secrets and other intellectual property rights as may now exist or hereafter come into existence, and all applications therefore and registrations, renewals, and extensions thereof, under the laws of any country, territory or other jurisdiction.

Except for your User Content, the Service, and its materials, including, without limitation, software, images, text, graphics, illustrations, logos, patents, trademarks, copyrights, and photographs (“Our Content”), and all Intellectual Property Rights related thereto, are our exclusive property.

### **Enquiries**

If you have any questions or concerns arising from this privacy policy or the way in which we handle personal information, please contact us at [rencke@comalan.co.za](mailto:rencke@comalan.co.za)