



## PRIVACY POLICY

### 1. DEFINITIONS

- 1.1. **"Agreement"** means a written agreement between ENSafrica and a Third Party;
- 1.2. **"Applicable Laws"** means all laws, regulations that ENSafrica is required to comply with;
- 1.3. **"Client"** means any prospective, new or existing client of ENSafrica and its subsidiaries;
- 1.4. **"Data Subject/s"** for the purpose of this document include all living individuals and juristic persons about whom ENSafrica holds Personal Information;
- 1.5. **"Electronic Correspondence"** means content sent or received electronically, including email, faxes, incoming voice mail messages, internal instant messages, text messages and voice notes;
- 1.6. **"Employee/s"** means any person who works for or provides services to or on behalf of ENSafrica and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of ENSafrica. This includes directors, all permanent, temporary and part-time Employees as well as consultants, independent consultants, agency workers and contract workers;
- 1.7. **"ENSafrica"** means ENSafrica and/or any of its subsidiaries and/or any other legal entity, joint venture and/or partnership, wherever situated or operating (and irrespective of structure and/or legal nature/regime) that renders services or otherwise conducts business under a name which includes ENS and/or Edward Nathan or any variation thereof (including their subsidiaries, parties that are related or inter-related to them and/or their affiliated companies, to the extent applicable) and/or any trust founded by ENS for its own operations and/or any entities that are related and/or inter-related to those trusts, as the case may be, and all such entities' successors-in-title and/or practice, (collectively **"ENS Group"**) (wherever any such members may be located, including in countries which may not have data-protection laws similar to South Africa);
- 1.8. **"Image/s"**, **"Photograph"** and **"video images"** refer to any kind of image capture, still or moving, obtained by any photographic device including still image cameras, video cameras, webcams and photographic enabled mobile telephones, and any other type of image capture device not specified here, whether digital or not, using technology existent from time to time The processing (including storage) of such images includes film negative, film positive (e.g. transparencies and

slides, movies, etc.), photographic paper, digital media, magnetic tape and any other kind of storage method able to be used for the storage of images, still or moving, available now or in the future;

- 1.9. **"IO"** means the Information Officer appointed as such by ENSafrica in terms of section 56 of POPIA and who will have the ultimate responsibility to ensure that ENSafrica complies with the provisions of POPIA;
- 1.10. **"PAIA"** means the Promotion of Access to Information Act, 2000;
- 1.11. **"Personal Information"** means information relating to an identifiable, living, natural person, and (where applicable) an identifiable, existing juristic person in particular by reference to an identification number or to one or more factors specific to physical, physiological, mental, economic, cultural or social identity, including the name, race, gender, marital status, address and identifying number of a person, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person, recruitment details, financial history and the like. It also includes opinions about individuals as well as facts and also applies to corporate contacts;
- 1.12. **"POPIA"** mean the Protection of Personal Information Act, 2013, including any regulations and/or code of conduct made under that Act;
- 1.13. **"Processing"** is any activity that involves use of Personal Information. It includes any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:
  - 1.13.1. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
  - 1.13.2. dissemination by means of transmission, distribution or making available in any other form; or
  - 1.13.3. merging, linking, as well as restriction, degradation, erasure or destruction of Personal Information;
- 1.14. **"Record"** means any recorded information:
  - 1.14.1. regardless of form or medium, including any of the following:
    - 1.14.1.1. writing on any material;
    - 1.14.1.2. 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;

1.14.1.3. label, marking or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means;

1.14.1.4. book, map, plan, graph or drawing;

1.14.1.5. 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 reproduced;

1.14.2. in the possession or under the control of a Responsible Party;

1.14.3. whether or not it was created by a Responsible Party; and

1.14.4. regardless of when it came into existence;

1.15. **“Responsible party/parties”** are the people who or organisations which determine the purposes for which, and the manner in which, any personal information is processed. They have a responsibility to establish practices and policies in line with POPIA. ENSafrica is the responsible party of all personal information used in its business.

1.16. **“Security Compromise”** POPIA does not define Security Compromises or data breaches. For the purposes of this document a ‘Security Compromise’ shall include any breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised access to or acquisition of or disclosure of personal information transmitted, stored or otherwise processed by ENSafrica or any operator acting on behalf of ENSafrica;

1.17. **“Special Personal Information”** includes personal information concerning the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health, sex life or biometric information of a data subject; or the criminal behaviour of a data subject to the extent that such information relates to the alleged commission by a data subject of any offence; or any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings;

1.18. **“Policy”** means the External Privacy Policy of ENSafrica.

## 2. **PURPOSE OF THIS POLICY**

2.1. This Policy set out how your Personal Information will be used by ENSafrica and applies to any information, including Personal Information and Special Personal Information, which you give to ENSafrica or which ENSafrica may collect from Third Parties.

- 2.2. It is important that you read this Policy carefully before submitting any Personal Information to ENSafrica.
- 2.3. By submitting any Personal Information to ENSafrica you provide consent to the Processing of your Personal Information as set out in this Policy.
- 2.4. We do not collect any information about children on purpose, unless parental consent is obtained.
- 2.5. The provisions of this Policy are subject to mandatory, unalterable provisions of Applicable Laws.
- 2.6. Please do not submit any Personal Information to ENSafrica if you do not agree to any of the provisions of this Policy. If you do not consent to the provisions of this Policy, or parts of the Policy, ENSafrica may not be able to provide its products and services to you.

### 3. **HOW TO CONTACT US**

If you have any comments or questions about this Policy please contact the IO

Address: Tower 1, The MARC, 129 Rivonia Rd, Sandown, Sandton, 2196

E-mail address: [info@ENSafrica.com](mailto:info@ENSafrica.com)

Attention: Information Officer

Telephone number: +27 (0) 11 269 7600

### 4. **AMENDMENT OF THIS POLICY**

- 4.1. We may amend this Policy from time to time.
- 4.2. Any such amendment will come into effect and become part of any Agreement you have with ENSafrica when notice is given to you of the change by publication on ENSafrica's website. It is your responsibility to check the website often.

### 5. **PRIVACY AND INDEMNITY**

- 5.1. ENSafrica takes your privacy and the protection of your Personal Information very seriously, and will only use your Personal Information in accordance with this Policy 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 codes are kept secure).
- 5.2. We have implemented reasonable technical and operational measures to keep your Personal Information secure.

- 5.3. You hereby indemnify and hold ENSafrica harmless from any loss, damages or injury that you may incur as a result of any Security Compromise of your Personal Information to unauthorised persons or resulting from your acts or omissions during the provision of incorrect or incomplete Personal Information to ENSafrica.

## 6. **INFORMATION WHICH ENSAFRICA MAY COLLECT ABOUT YOU**

- 6.1. We may collect the following information about you:
- 6.1.1. Personal Information and Special Personal Information;
  - 6.1.2. Records of correspondence or enquiries from you or anyone acting on your behalf;
  - 6.1.3. details of transactions you carry out with us;
  - 6.1.4. details of contracts, sales or leases you enter into with us;
  - 6.1.5. sensitive or special categories of Personal Information, including biometric information, such as Images, fingerprints and voiceprints.
  - 6.1.6. any other Records as determined by the firm from time to time.
- 6.2. Where you provide ENSafrica with the Personal Information of Third Parties you should take steps to inform the Third Party that you need to disclose their details to us, identifying us. ENSafrica will process their Personal Information in accordance with this Policy.

## 7. **HOW ENSAFRICA COLLECTS INFORMATION**

- 7.1. You may provide Personal Information to ENSafrica either directly or indirectly.
- 7.2. We may also collect your Personal Information from your appointed agent, any regulator, or other Third Party that may hold such information.

## 8. **USE OF INFORMATION COLLECTED**

- 8.1. We may use, transfer and disclose your Personal Information for the purposes of:
- 8.1.1. providing you with the services, products or offerings you have requested, and notifying you about important changes to these services, products or offerings;
  - 8.1.2. managing your account or relationship and complying with your instructions or requests;
  - 8.1.3. detecting and preventing fraud and money laundering and/or in the interest of security and crime prevention;

- 8.1.4. assessing and dealing with complaints and requests;
  - 8.1.5. operational, marketing, auditing, legal and record keeping requirements;
  - 8.1.6. verifying your identity or the identity of your beneficial owner;
  - 8.1.7. ENSafrica may need to transfer your information to service providers in countries outside South Africa, in which case it will fully comply with applicable South African data protection legislation comprising POPIA and PAIA.
  - 8.1.8. complying with Applicable Laws, including lawful requests for information received from local or foreign law enforcement, government and tax collection agencies;
  - 8.1.9. recording and/or monitoring your telephone calls and Electronic Correspondence to/with ENSafrica in order to accurately carry out your instructions and requests, to use as evidence and in the interests of crime prevention;
  - 8.1.10. conducting market research and providing you with information about ENSafrica's products or services from time to time via email, telephone or other means (for example, events);
  - 8.1.11. where you have unsubscribed from certain direct marketing communications, ensuring that ENSafrica does not send such direct marketing to you again;
  - 8.1.12. disclosing your Personal Information to Third Parties for reasons set out in this Policy or where it is not unlawful to do so;
  - 8.1.13. monitoring, keeping record of and having access to all forms of correspondence or communications received by or sent from ENSafrica or any of its Employees, agents or contractors, including monitoring, recording and using as evidence all telephone communications between you and ENSafrica;
  - 8.1.14. improving or evaluating the effectiveness of ENSafrica's business or products, services or offerings; and
  - 8.1.15. prevention and control of any disease.
- 8.2. Once you subscribe to receive communications from ENSafrica, ENSafrica may from time to time (and at any time) contact you about services, products and offerings available from ENSafrica or specific subsidiaries which ENSafrica believes may be of interest to you, by email, phone, text or other means. You can unsubscribe from receiving such communications by [clicking here](#).

## 9. DISCLOSURE OF YOUR INFORMATION

- 9.1. Your Personal Information may be shared within ENSafrica and with selected Third Parties who process the information on ENSafrica's behalf.
- 9.2. We may also disclose your Personal Information to Third Parties in the following circumstances:
- 9.2.1. to the ENSafrica Group or other Third Parties to
    - 9.2.1.1. assess and monitor any of your applications for ENSafrica's products or services;
    - 9.2.1.2. 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, subject to the direct marketing provisions of POPIA;
    - 9.2.1.3. have a better understanding of your circumstances and needs to provide and improve ENSafrica's products and services;
  - 9.2.2. 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;
  - 9.2.3. to any regulator or supervisory authority, including those in foreign jurisdictions, if ENSafrica is required to do so in terms of Applicable Laws;
  - 9.2.4. to a prospective buyer or seller of any of ENSafrica's businesses or assets;
  - 9.2.5. to any person if ENSafrica is under a duty to disclose or share your Personal Information in order to comply with any Applicable Laws, or to protect the rights, property or safety of ENSafrica, other Clients or other third parties; and/or
  - 9.2.6. to your agent or any other person acting on your behalf, or an introducer;
  - 9.2.7. to the various rankings and awards agencies.
- 9.3. We may transfer your information to another of ENSafrica'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 similar to those of the Republic. If this happens, ENSafrica will use its best endeavours to ensure that anyone to whom ENSafrica passes your information agrees to treat your information with the same level of protection as if ENSafrica were dealing with it.

- 9.4. If you do not wish ENSafrica to disclose this information to Third Parties, please contact ENSafrica at the contact details set out above. ENSafrica may, however, not be able to provide products or services to you if such disclosure is necessary.

## 10. **RETENTION OF YOUR INFORMATION**

We may retain your Personal Information indefinitely, unless you object, in which case ENSafrica will only retain it if ENSafrica is permitted or required to do so in terms of Applicable Laws. However, as a general rule, ENSafrica will retain your information in accordance with retention periods set out in Applicable Laws, unless ENSafrica deems it necessary to retain it for longer for a lawful purpose (for example, for the purposes of complaints handling, legal processes and proceedings).

## 11. **ACCESS TO, CORRECTION AND DELETION OF YOUR PERSONAL INFORMATION**

- 11.1. You may request details of Personal Information which ENSafrica holds about you under PAIA. Fees to obtain a copy or a description of Personal Information held about you are prescribed in terms of PAIA. Confirmation of whether or not ENSafrica holds Personal Information about you may be requested free of charge. If you would like to obtain a copy of your Personal Information held by ENSafrica, please review ENSafrica's PAIA Manual.
- 11.2. You may request the correction of Personal Information ENSafrica holds about you. Please ensure that the information ENSafrica holds about you is complete, accurate and up to date. If you fail to keep your information updated, or if your information is incorrect, ENSafrica may limit the products and services offered to you or elect not to open the account.
- 11.3. 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 ENSafrica using the contact details set out above.
- 11.4. You have a right to object on reasonable grounds to the processing of your Personal Information where the processing is carried out in order to protect ENSafrica's legitimate interests or your legitimate interests, unless the law provides for such processing.

## 12. **COMPLAINTS**

- 12.1. Should you believe that ENSafrica has utilised your Personal Information contrary to Applicable Laws, you undertake to first attempt to resolve any concerns with ENSafrica's IO.
- 12.2. Should you remain dissatisfied, you are encouraged to engage ENSafrica's senior management with a view to resolving the matter.
- 12.3. If you are still not satisfied with such process, you may have the right to lodge a complaint with the Information Regulator, using the contact details listed below:



Tel: 010 023 5200

Fax: 086 500 3351

Email: [info@justice.gov.za](mailto:info@justice.gov.za)