

## **PRIVACY NOTICE /POPIA Section 18 INFORMED CONSENT NOTICE**

### **CONSENT TO PROCESS PERSONAL INFORMATION IN TERMS OF THE PROTECTION OF INFORMATION ACT, 4 OF 2013 (POPIA)**

#### **(EMAIL, WEBSITE AND SOCIAL MEDIA PRIVACY NOTICE)**

Please read this Notice before you enter/proceed with the required Personal Information. By providing us with your Personal Information, you consent to *the Company, Fabrinox Holdings (Pty) Ltd and all of its subsidiaries and trading partners*, processing your Personal Information, which *Company* undertakes to process strictly in accordance with this section 18 informed consent document.

## **1. INTRODUCTION**

- 1.1 *The Company* herein, being Fabrinox Holdings (Pty) Ltd and its subsidiaries and trading partners, Fabrinox (Pty) Ltd, Fabrinox Properties (Pty) Ltd, Fabrinox (Pty) Ltd, Andani Futuretech Manufacturing (Pty) Ltd and Rainbow Fresh Service (Pty) Ltd, and being a private company (s) established and duly registered in accordance with the company laws of the Republic of South Africa, (hereinafter referred to collectively as the "Company").
- 1.2 In terms of a law known as the Protection of Personal Information 4 of 2013, (POPIA) everyone has the right to privacy, including the right to the lawful collection, retention, dissemination and use of one's Personal Information.
- 1.3 In order to give effect to this right, the Company is under a duty to provide any person whose personal information is processed by it, known as a data subject, with a number of details pertaining to the use of and subsequent processing of the data subject's personal information, before such information is used or processed.
- 1.4 In accordance with this requirement, the Company sets out below:
  - The reasons why it will be required to process a data subject's personal information;
  - The conditions under which it will receive and use a data subject's personal information;
  - How the Company will use and handle this personal information; as well as
  - The conditions under which it will provide its own personal information.

## **2. APPLICATION**

- 2.1 This is the privacy policy of the Company, which is applicable to all the Company's social media and electronic platforms, including websites and or email, whether owned by, established by, used by, hosted by and / or accessed by data subjects, which data subjects include, without detracting from the generality thereof, the Company's entities, learners, Company employees and staff, contractors and service providers and / or other third parties who may access and make use of the Company's social media and electronic platforms.
- 2.2 This privacy policy furthermore applies to:
  - 2.2.1 the data subjects who may make use of, or access the Company social media and electronic platforms and all the processing of personal

information by the Company as a result of a data subject making use of, or accessing the Company social media and electronic platforms except to the extent that a separate POPIA policy has been issued in respect of a specific service or product and related processing activities; and

- 2.2.2 all the personal information which is owned by the Company and which is provided to any responsible parties and / or operators as a result of a data subject accessing or making use of the Company social media and electronic platforms.

### **3. ACCOUNTABILITY**

- 3.1 The Company takes the privacy and protection of a data subject's personal information very seriously and will only process a data subject's personal information in accordance with POPIA and the terms of this privacy statement.
- 3.2 In turn where the Company provides any of its personal information to a responsible party or operator, then such person will be required as a condition of receiving such information, to process such personal information in accordance with POPIA and the terms of this privacy statement.
- 3.3 Accordingly, the relevant data privacy principles relating to the processing of personal information, whether that belonging to the Company or that belonging to a data subject (including, but not limited to, the collection, handling, transfer, sharing, correction, storage, archiving and deletion) will apply without exception, save where POPIA provides for such an exception, to all and any personal information provided by the Company to another or received by the Company as a result of the use of the Company email, and / or social media and electronic platforms.

### **4. AGREEMENT TO BE BOUND AND CONSENT TO PROCESS <sup>TM</sup>**

- 4.1 By accessing or using the Company website and URL's, any sites housed under its domain names and / or social media platforms, and / or when sending or receiving emails using the Company email, the data subject;
  - 4.1.1 Acknowledges that it has read and understood this section 18 informed consent notice and related provisions;
  - 4.1.2 agrees to be bound by this section 18 informed consent notice and the privacy policy;
  - 4.1.3 agrees to comply with this section 18 informed consent notice and privacy policy; and
  - 4.1.4 gives the Company consent to process and further process the required personal information in accordance with this section 18 informed consent notice.

## 5. RECEIPT, USE AND SHARING OF PERSONAL INFORMATION BY THE COMPANY

- 5.1 The Company will receive personal information pertaining to a data subject when the data subject submits a query or request via the Company website, or by way of email, telephone or via social media.
- 5.2 On receipt of the request or query, the Company will thereafter use and process the data subject's personal information for a variety of purposes, depending on the query or request, which without detracting from the generality thereof may include:
- for the purposes of identifying and / or verifying the data subject's details;
  - for the purposes of providing information, products and / or services that the data subject, may have requested;
  - for employment application purposes;
  - for the purposes of managing any information pertaining to the data subject;
  - for general administration purposes;
  - for legal or contractual purposes;
  - to help the Company improve the quality of the Company products and services;
  - to help the Company detect and prevent fraud and money laundering;
  - for the purposes of recovering unpaid fees and / or any other amount due to the Company;
  - for the purpose of debt collection;
  - for the purposes of research, analytical and statistical purposes;
  - for the purpose of carrying out analysis of customer profiling;
  - for the purposes of identifying other products and services which might be of interest to the data subjects;
  - for the purposes of informing a data subject about the Company products and services.
- 5.3 In order to correctly handle any request or query, and in order to perform the purposes described above, the Company may from time to time share a data subject's personal information with the following parties:
- the Company employees, which will only be done on a need-to-know basis;
  - the Company carefully selected business partners who provide products and services which may be of benefit to a data subject which will only be done on a need-to-know basis; and
  - the Company operators such as service providers and agents who perform services on our behalf which will only be done on a need-to-know basis and in terms of an operator agreement.
- 5.4 The Company does not share a data subject's personal information with any third parties who have not been described above, unless:
- the Company is legally obliged to provide such information to another for legal or regulatory purposes;
  - the Company is required to do so for purposes of existing or future legal proceedings;
  - the onward transmission or sharing of personal information is necessary for the pursuance or protection of the Company's legitimate interests or that of the data subject or a third party;

- the Company is involved in the prevention of fraud, loss, bribery or corruption and is using another agent or service provider under a mandate to provide such service,

and under all of the abovementioned circumstances, the Company will take reasonable measures to ensure that such personal information is only provided to the recipient if such recipient undertakes to keep the information confidential and secure.

- 5.5 Where the Company has to transfer the data subject's personal information across the South African borders, it will ensure that before it does so, that it will ensure that the recipient thereof agrees to be bound by POPIA under and in terms of a set of binding corporate rules or binding agreements that provide an adequate level of protection and uphold the principles for the reasonable and lawful processing of such personal information.

## **6. RECEIPT, USE AND SHARING OF THE COMPANY PERSONAL INFORMATION**

- 6.1 The Company on receipt and in response to a query or request received from a data subject, referred to under section 5 above, will transmit via its website, or by way of email, telephone or via social media, its own personal information, which personal information on receipt by the requesting or receiving data subject may only be used for the purpose relating to the initiating of the request or query and for no other purpose. Furthermore, the recipient undertakes that it will not share this information with any other party, or save it only where it has been given express permission to do so by the Company.

## **7. INFORMATION QUALITY / OPENNESS / DATA SUBJECT PARTICIPATION**

- 7.1 Whilst the Company will make every effort to ensure the integrity and accuracy of a data subject's personal information, this may not at all times be possible. Following this, the data subject accepts the responsibility for keeping its / her or his information up to date, and undertakes to inform the Company of any changes to its / his or her personal information. This can be done by accessing the prescribed change of details form on the Company's website / Data Privacy (POPI) Page and submitting same to the Company's Information Officer.
- 7.2 A data subject has a right of access to any personal information which the Company may have and where applicable may ask the Company to correct any inaccuracies in or to any such personal information. This request must be done by way of a formal Company PAIA process, which is accessible on the Company's website / Data Privacy (POPI) Page. A data subject may contact the Company's Information Officer at the following address: [info@fabrinnox.com](mailto:info@fabrinnox.com) should you have any questions, complaints or objections regarding the processing of its personal information.

## **8. SECURITY OF PERSONAL DATA**

- 8.1 The Company makes all reasonable efforts to keep its website secure at all times, however advise that it cannot guarantee the security of any information provided to us or by us through the Company website, email, internet or social media sites.

The Company cannot be held responsible for any loss or unauthorized use or interception of information transmitted via these sites, such as the internet which is beyond the Company's reasonable control.

- 8.2 The Company website may contain links to other websites outside of the Company control. The Company is not responsible for the content, privacy or security of these other third party-controlled websites.
- 8.3 The Company has placed cookies on its website which makes contact with your / a data subject's device to help make its website better. A data subject may change these cookie settings by accessing the relevant settings. When the settings are not amended or changed, the Company will accept that you are happy that these cookies access and make use of your details.
- 8.4 The Company may make use of social plug-ins of social networks such as Facebook, YouTube, LinkedIn, Google+ and Twitter. Please note that the Company has no influence on or control over the extent of the data retrieved by the social networks' interfaces and the Company can accordingly not be held responsible or liable for any processing or use of personal information transmitted via these social plug-ins. For information on the purpose and extent of the data retrieval by the social network concerned, and about the rights and settings possibilities for the protection of your private sphere, please refer to the data protection information provided by the social network in question.
- 8.5 Note that all Telephone calls may be recorded and / or monitored for security and quality assessment purposes.
- 8.6 Subject to the provisions above, the Company has implemented the appropriate technical and organizational security measures which are required in order to protect all personal data which it holds from and / or against unauthorized access, accidental or wilful manipulation, loss or destruction.

## **9. THIRD PARTY INFORMATION AND THAT BELONGING TO MINORS**

- 9.1 If a data subject provides the Company with personal information on behalf of another, the Company will not be able to process the query or request unless such query or request is accompanied by the required permission and consent from the third party to process the third party's personal information.
- 9.2 If a data subject is under the age of 18, such person's personal information will only be processed if the minor's parent or legal guardian gives the required consent or permission to the processing.

## **10. CONTACT DETAILS**

10.1 You can contact the Company in relation to this Privacy policy by writing to us at [info@fabrinox.com](mailto:info@fabrinox.com) or by phoning our office number.

## **11. REVISION OF POLICIES**

11.1 We reserve the right to and may from time to time update this Privacy Notice. Any such revision will be published as an amended version on our website. Any change to this Policy will be posted as an updated version and readers are advised to visit and re-read this policy on a regular basis.

