

- 5.3 The Company often collects Personal Information directly from the Data Subject and/or in some cases, from Third Parties. Where the Company obtains Personal Information from Third Parties, the Company will ensure that it obtains the consent of the Data Subject to do so or will only process the Personal Information without the Data Subject's consent where the Company is permitted to do so in terms of clause 5.1 above.
- 5.4 An example of such Third Parties include: (i) our customers when the Company handles Personal Information on their behalf; (ii) recruitment agencies; (iii) other companies providing services to the Company; and (iv) where the Company makes use of publicly available sources of information.

6. Lawful processing of Personal Information

- 6.1 Where the Company is the Responsible Party, it will only process a Data Subject's Personal Information (other than for Special Personal Information) where –
- 6.1.1 consent of the Data Subject (or a competent person, where the Data Subject is a Child) is obtained;
 - 6.1.2 Processing is necessary to carry out the actions for conclusion of a contract to which a Data Subject is party;
 - 6.1.3 Processing complies with an obligation imposed by law on the Company;
 - 6.1.4 Processing protects a legitimate interest of the Data Subject; and/or
 - 6.1.5 Processing is necessary for pursuing the legitimate interests of the Company or of a third party to whom the information is supplied.
- 6.2 the Company will only Process Personal Information where one of the legal bases referred to in paragraph 6.1 above are present.
- 6.3 Where required (i.e., where we are not relying on a legal ground listed in paragraph 6.1 above), the Company will obtain the Data Subject's consent prior to collecting, and in any case prior to using or disclosing, the Personal Information for any purpose.
- 6.4 The Company will make the manner and reason for which the Personal Information will be Processed clear to the Data Subject.

- 6.5 Where the Company is relying on a Data Subject's consent as the legal basis for Processing Personal Information, the Data Subject may withdraw his/her/its consent or may object to the Company's processing of the Personal Information at any time. However, this will not affect the lawfulness of any processing carried out prior to the withdrawal of consent or any processing justified by any other legal ground provided under POPIA.
- 6.6 If the consent is withdrawn or if there is otherwise a justified objection against the use or the Processing of such Personal Information, the Company will ensure that the Personal Information is no longer Processed.

7. Special Personal Information & Personal Information of Children

- 7.1 Special Personal Information is sensitive Personal Information of a Data Subject and the Company acknowledges that it will generally not Process Special Personal Information unless –
- 7.1.1 Processing is carried out in accordance with the Data Subject's consent;
 - 7.1.2 Processing is necessary for the establishment, exercise or defence of a right or obligation in law;
 - 7.1.3 Processing is for historical, statistical or research purposes, subject to stipulated safeguards;
 - 7.1.4 information has deliberately been made public by the Data Subject; or
 - 7.1.5 specific authorisation applies in terms of POPIA.
- 7.2 The Company acknowledges that it may not Process any Personal Information concerning a Child and will only do so where it has obtained the consent of the parent or guardian of that Child or where it is permitted to do so in accordance with applicable laws.

8. How Personal Information is Processed and Used

- 8.1 The Company understands its obligation to make Data Subjects aware of the fact that it is processing their Personal Information and inform them of the purpose for which the Company processes such Personal Information.
- 8.2 The Company will only process a Data Subject's Personal Information for a specific, lawful and clear purpose (or for specific, lawful and clear purposes) and will ensure that it makes the Data Subject aware of such purpose(s), as far as possible where the purpose is not already listed under this policy.
- 8.3 It will ensure that there is a legal basis for the processing of any Personal Information. Further, the Company will not process any Personal Information for any other purpose(s).
- 8.4 The Company will generally use Personal Information for purposes required to operate and manage its normal business operations and these purposes include one or more of the following non-exhaustive purposes:
 - 8.4.1 for the purposes of providing its products or services to customers and where relevant, for purposes of doing appropriate customer onboarding and credit vetting;
 - 8.4.2 for purposes of onboarding suppliers as approved suppliers of the Company. For this purpose, the Company will also process a supplier's Personal Information for purposes of performing credit checks, and this may include engaging third-party credit vetting agencies;
 - 8.4.3 for purposes of monitoring the use of the Company's electronic systems and online platforms by consumers. The Company will, from time to time, engage third-party service providers (who will process the Data Subject's Personal Information on behalf of the Company) to facilitate this;
 - 8.4.4 for purposes of preventing, discovering and investigating violations of this Policy and other Company policies, and investigating fraud, or other related matters;
 - 8.4.5 in connection with the execution of payment processing functions, including payment of the Company's suppliers' invoices;
 - 8.4.6 to provide a service to the Company customers in terms of relevant services agreements;
 - 8.4.7 for employment-related purposes such as recruiting staff, administering payroll, background checks, etc.;

- 8.4.8 in connection with internal audit purposes (i.e. ensuring that the appropriate internal controls are in place in order to mitigate the relevant risks, as well as to carry out any investigations where this is required);
- 8.4.9 in connection with external audit and/or verification purposes. For this purposes, the Company engages external service providers and, in so doing, shares Personal Information of the Data Subjects with third parties;
- 8.4.10 to respond to any correspondence that customers and/or suppliers may send to the Company, including via email or by telephone;
- 8.4.11 to contact the Data Subject for direct marketing purposes subject to the provisions of section 11 below;
- 8.4.12 in order to address customer complaints in respect of the Company's products and services;
- 8.4.13 for research, statistical and reporting purposes;
- 8.4.14 for such other purposes to which the Data Subject may consent from time to time; and
- 8.4.15 for such other purposes as authorised in terms of applicable law, including to carry out and fulfil its obligations under applicable laws (including in particular, but not limited to, the Electronic Communications Act 2005).

9. Keeping Personal Information Accurate

- 9.1 The Company will take reasonable steps to ensure that all Personal Information is kept as accurate, complete and up to date as reasonably possible depending on the purpose for which Personal Information is collected or further processed.
- 9.2 The Company may not always expressly request the Data Subject to verify and update his/her/its Personal Information unless this process is specifically necessary.
- 9.3 While the Company will always use its best endeavours to ensure that the Data Subject's Personal Information is reliable, it will be the Data Subject's responsibility to advise the Company of any changes to the Data Subject's Personal Information, as and when these may occur.

10. Storage and Processing of Personal Information by the Company and Third-Party Providers

- 10.1 The Company may store your Personal Information in hardcopy format and/or in electronic format using the Company's own secure on-site servers or other internally hosted technology. Your Personal Information may also be stored by Third Parties [or other group companies], via cloud services or other technology, with whom the Company has contracted with, to support the Company's business operations.
- 10.2 The Company's Third-Party service providers, including data storage and processing providers, may from time to time also have access to a Data Subject's Personal Information in connection with purposes for which the Personal Information was initially collected to be Processed.
- 10.3 The Company will ensure that such Third-Party service providers will process the Personal Information in accordance with the provisions of this Policy, all other relevant internal policies and procedures and POPIA.
- 10.4 These Third Parties do not use or have access to your Personal Information other than for purposes specified by us, and the Company requires such parties to employ at least the same level of security that the Company uses to protect your personal data.
- 10.5 Your Personal Information may be Processed in South Africa or another country where the Company, its affiliates and their Third-Party service providers maintain servers and facilities and the Company will take steps, including by way of contracts, to ensure that it continues to be protected, regardless of its location, in a manner consistent with the standards of protection required under applicable law.

11. Personal Information for Direct Marketing Purposes

- 11.1 To the extent that the Company carries out Direct Marketing, it shall strive to observe, and comply with its obligations under POPIA when implementing principles and practices in relation to Direct Marketing.
- 11.2 The Company acknowledges that it may only use Personal Information to contact the Data Subject for purposes of Direct Marketing from time to time where it is permissible to do so.

- 11.3 It may use Personal Information to contact any Data Subject and/or market the Company's services directly to the Data Subject(s) if the Data Subject is one of the Company's existing clients, the Data Subject has requested to receive marketing material from the Company or the Company has the Data Subject's consent to market its services directly to the Data Subject.
- 11.4 If the Data Subject is an existing client, the Company will only use his/her/its Personal Information if it has obtained the Personal Information through the provision of a service to the Data Subject and only in relation to similar services to the ones the Company previously provided to the Data Subject.
- 11.5 The Company will ensure that a reasonable opportunity is given to the Data Subject to object to the use of their Personal Information for the Company's marketing purposes when collecting the Personal Information and on the occasion of each communication to the Data Subject for purposes of Direct Marketing.
- 11.6 The Company will not use your Personal Information to send you marketing materials if you have requested not to receive them. If you request that we stop processing your Personal Information for marketing purposes, the Company shall do so. We encourage that such requests to opt-out of marketing be made via forms and links provided for that purpose in the marketing materials sent to you.

12. Retention of Personal Information

- 12.1 The Company may keep records of the Personal Information it has collected, correspondence, or comments in an electronic or hardcopy file format.
- 12.2 In terms of POPIA, the Company may not retain Personal Information for a period longer than is necessary to achieve the purpose for which it was collected or processed and is required to delete, destroy (in such a way that it cannot be reconstructed) or de-identify the information as soon as is reasonably practicable once the purpose has been achieved. This prohibition will not apply in the following circumstances:
- 12.2.1 where the retention of the record is required or authorised by law;
 - 12.2.2 the Company requires the record to fulfil its lawful functions or activities;
 - 12.2.3 retention of the record is required by a contract between the parties thereto;
 - 12.2.4 the data subject (or competent person, where the data subject is a child) has consented to such longer retention; or

12.2.5 the record is retained for historical, research or statistical purposes provided safeguards are put in place to prevent use for any other purpose.

12.3 Accordingly, the Company will, subject to the exceptions noted in this Policy, retain Personal Information for as long as necessary to fulfil the purposes for which that Personal Information was collected and/or as permitted or required by applicable law.

12.4 Where the Company retains Personal Information for longer periods for statistical, historical or research purposes, the Company will ensure that appropriate safeguards have been put in place to ensure that all recorded Personal Information will continue to be Processed in accordance with this Policy and applicable laws.

12.5 Once the purpose for which the Personal Information was initially collected and Processed no longer applies or becomes obsolete, the Company will ensure that the Personal Information is deleted, destroyed or de-identified sufficiently so that a person cannot re-identify such Personal Information. In instances where we de-identify your Personal Information, the Company may use such de-identified information indefinitely.

13. Failure to provide Personal Information

13.1 Should the Company need to collect Personal Information by law or under the terms of a contract that it may have with you and you fail to provide the personal data when requested, we may be unable to perform the contract we have or are attempting to enter into with you.

13.2 In such a case, the Company may have to decline to provide or receive the relevant services, and you will be notified where this is the case.

14. Safe keeping of Personal Information

14.1 The Company shall preserve the security of Personal Information and, in particular, prevent its alteration, loss and damage, or access by non-authorised third parties.

14.2 The Company will ensure the security and integrity of Personal Information in its possession or under its control with appropriate, reasonable technical and organisational measures to prevent loss, unlawful access and unauthorised destruction of Personal Information.

14.3 The Company has implemented physical, organisational, contractual and technological security measures (having regard to generally accepted information security practices or industry specific requirements or professional rules) to keep all Personal Information secure, including measures protecting any Personal Information from loss or theft, and unauthorised access, disclosure, copying, use or modification. Further, the Company maintains and regularly verifies that the security measures are effective and regularly updates same in response to new risks.

15. Breaches of Personal Information

15.1 A Data Breach refers to any incident in terms of which reasonable grounds exist to believe that the Personal Information of a Data Subject has been accessed or acquired by any unauthorised person.

15.2 A Data Breach can happen for many reasons, which include: (a) loss or theft of data or equipment on which Personal Information is stored; (b) inappropriate access controls allowing unauthorised use; (c) equipment failure; (d) human error; (e) unforeseen circumstances, such as a fire or flood; (f) deliberate attacks on systems, such as hacking, viruses or phishing scams; and/or (g) alteration of Personal Information without permission and loss of availability of Personal Information.

15.3 The Company will address any Data Breach in accordance with the terms of POPIA.

15.4 The Company will notify the Regulator and the affected Data Subject (unless the applicable law requires that we delay notification to the Data Subject) in writing in the event of a Data Breach (or a reasonable belief of a Data Breach) in respect of that Data Subject's Personal Information.

15.5 The Company will provide such notification as soon as reasonably possible after it has become aware of any Data Breach in respect of such Data Subject's Personal Information.

16. Provision of Personal Information to Third-Party service providers

16.1 The Company may disclose Personal Information to Third Parties and will enter into written agreements with such Third Parties to ensure that they Process any Personal Information in accordance with the provisions of this Policy, and POPIA.

16.2 The Company notes that such Third Parties may assist the Company with the purposes listed in paragraph 8.4 above – for example, service providers may be used, *inter alia*,

16.2.1 for data storage;

16.2.2 to assist the Company with auditing processes (external auditors); and/or

16.2.3 to notify the Data Subjects of any pertinent information concerning the Company.

16.3 The Company will disclose Personal Information with the consent of the Data Subject or if the Company is permitted to do so without such consent in accordance with applicable laws.

16.4 Further, the Company may also send Personal Information to a foreign jurisdiction outside of the Republic of South Africa, including for processing and storage by Third Parties or other group companies.

16.5 When Personal Information is transferred to a jurisdiction outside of the Republic of South Africa including to any group companies located outside of the South Africa, the Company will obtain the necessary consent to transfer the Personal Information to such foreign jurisdiction or may transfer the Personal Information where the Company is permitted to do so in accordance with the provisions applicable to cross-border flows of Personal Information under POPIA.

16.6 The Data Subject should also take note that the processing of Personal Information in a foreign jurisdiction may be subject to the laws of the country in which the Personal Information is held, and may be subject to disclosure to the governments, courts of law, enforcement or regulatory agencies of such other country, pursuant to the laws of such country.

17. Use of website cookies

17.1 Our Website uses cookies, which are small text files sent by a web server to store on a web browser. They are used to ensure websites function properly, store user preferences when needed and collect anonymous statistics on website usage.

17.2 Please refer to our [Cookies Policy](#) for more information on our use of cookies.

17.3 You may refuse to accept cookies by activating the setting on your browser which allows you to refuse the setting of cookies. However, if you select this setting you may be unable to access certain parts of the Website. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you log on to the Website. If you accept a “cookie” or fail to deny the use of “cookies”, you agree that we may use your personal information collected using “cookies” (subject to the provisions of this Policy). Where you either reject or decline cookies, you are informed that you may not be able to fully experience the interactive features of the Website.

18. Rights of Data Subject

18.1 POPIA read with the relevant provisions of the Promotion of Access to Information Act, No. 2 of 2000 ("**PAIA**") confers certain access rights on Data Subjects. The the Company’s PAIA Manual can be found on our website: [PAIA Manual](#). These rights include:

18.1.1 **a right of access**: a Data Subject having provided adequate proof of identity has the right to: (i) request a Responsible Party to confirm whether any Personal Information is held about the Data Subject; and/or (ii) request from a Responsible Party a description of the Personal Information held by the Responsible Party including information about Third Parties who have or have had access to the Personal Information. A Data Subject may request:

- The Company to confirm, free of charge, whether it holds any Personal Information about him/her/it; and
- to obtain from the Company the record or description of Personal Information concerning him/her/it and any information regarding the recipients or categories of recipients who have or had access to the Personal Information. Such record or description is to be provided: (a) within a reasonable time; and (b) in a reasonable manner and format and in a form that is generally understandable.

18.1.2 **a right to request correction or deletion**: a Data Subject may also request the Company to –

- correct or delete Personal Information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or

- destroy or delete a record of Personal Information about the Data Subject that the Company is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.

On receipt of such a request, the Company is required to, as soon as is reasonably practicable –

- correct the information;
- delete or destroy the information;
- provide the Data Subject with evidence in support of the information;
or
- where the Data Subject and Responsible Party cannot reach agreement on the request and if the Data Subject requests this, the Company will take reasonable steps to attach to the information an indication that correction has been requested but has not been made;

18.1.3 ***a right to withdraw consent and to object to processing***: a Data Subject that has previously consented to the Processing of his/her/its Personal Information has the right to withdraw such consent and may do so by providing the Company with notice to such effect at the address set out in paragraph 22. Further, a Data Subject may object, on reasonable grounds, to the Processing of Personal Information relating to him/her/it.

18.2 Accordingly, the Company may request the Data Subject to provide sufficient identification to permit access to, or provide information regarding the existence, use or disclosure of the Data Subject's Personal Information. Any such identifying information shall only be used for the purpose of facilitating access to or information regarding the Personal Information.

18.3 The Data Subject can request in writing to review any Personal Information about the Data Subject that the Company holds including Personal Information that the Company has collected, utilised or disclosed.

18.4 The Company shall respond to these requests in accordance with POPIA and PAIA and provide the Data Subject with any such Personal Information to the extent required by law and any of the Company's policies and procedures which apply in terms of the PAIA.

18.5 The Data Subject can challenge the accuracy or completeness of his/her/its Personal Information in the Company's records at any time in accordance with the process set out in the PAIA Manual for accessing information.

18.6 If a Data Subject successfully demonstrates that their Personal Information the Company's records is inaccurate or incomplete, the Company will ensure that such Personal Information is amended or deleted as required (including by any Third Parties).

19. Time Periods

19.1 The Company will respond to each written request of a Data Subject not later than 30 days after receipt of such requests. Under certain circumstances, the Company may, however, extend the original period of 30 days once for a further period of not more than 30 days.

19.2 A Data Subject has the right to make a complaint to the Company in respect of this time limit by contacting the Company using the contact details provided in paragraph 22 below.

20. Costs of Access to Personal Information

The prescribed fees to be paid for copies of the Data Subject's Personal Information are listed the PAIA Manual.

21. Changes to this Policy

21.1 The Company reserves the right to make amendments to this Policy from time to time and will use reasonable efforts to notify Data Subjects of such amendments.

21.2 The current version of this Policy will govern the respective rights and obligations between you and the Company each time that you access and use our site.

22. Contacting us

22.1 All comments, questions, concerns or complaints regarding your Personal Information or this Policy, should be forwarded to us as follows:

Phone No: **011 585 0000**

Address: **401 Old Pretoria Main Road, Midrand, 1685**

Postal: **Suite 612, Private Bag X29, Gallo Manor, 2052**

Information Officer: **Marvelous Sunhua** - info@seatel.co.za

22.2 If a Data Subject is unsatisfied with the manner in which the Company addresses any complaint with regard to the Company's Processing of Personal Information, the Data Subject can contact the office of the Regulator, the details of which are set out below:

Website: <https://justice.gov.za/inforeg/>

Tel: 012 406 4818

Fax: 086 500 3351

Email: inforeg@justice.gov.za
