



**PRIVACY POLICY**  
prepared in terms of

**Protection of Personal Information Act, No 4 of 2013 ("POPI Act")**

**WAELESE PTY LTD**

**1 Oct 2024**

**POLICY APPROVAL AND INFORMATION**

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The Company shall review, update and amend this Policy from time to time. Any changes will be posted on this page with an updated revision date.

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## 1. LIST OF ACRONYMS, ABBREVIATIONS AND DEFINITIONS:

Unless otherwise defined herein, terms and expressions used in this Policy shall have the following meaning:

- 1.1. **client(s)/customer(s)** means a natural or juristic person who or which receives products/goods and/or services from the Company
- 1.2. **the Company** means WAELESE Proprietary Limited being a private company incorporated in the Republic of South Africa with Registration number 2020/116748/07
- 1.3. **the Company Premises** means the physical location(s) and/or building(s) from which the Company operates, conducts or carries on its business, and includes all offices or office spaces, retail spaces, warehouses, factories, laboratories, building sites, and surrounding areas such as walkways, parking areas and/or gardens
- 1.4. **Data Subject** means the person to whom personal information relates
- 1.5. **electronic communication** means any text, voice, sound, or image message sent over an electronic communications network which is stored in the network or in the recipient's terminal equipment until it is collected by the recipient
- 1.6. **employee** means any person who, at any time, works for, or provides services to, or on behalf of, the Company and receives or is entitled to remuneration
- 1.7. **GPS** means Global Positioning System or any similar satellite-based radio positioning system
- 1.8. **Information Officer** means the person appointed at the Company as the information Officer for the purposes of POPIA and PAIA as set out in [clause 2.5](#) hereof
- 1.9. **Information Regulator** means the Information Regulator established in terms of POPIA and PAIA
- 1.10. **Operator** means a third party who has been mandated by the Company to processes personal information belonging to Data Subjects on its behalf
- 1.11. **Operator Agreement** means an agreement governing the relationship between the Company (being a responsible party as defined in POPIA) and an Operator
- 1.12. **PAIA** means the Promotion of Access to Information Act, No 2 of 2000, as amended, together with any regulations published there under
- 1.13. **person** means a natural or juristic person

- 1.14. **personal information** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:
- 1.14.1. information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, or birth of a person;
  - 1.14.2. information relating to the education or the medical, financial, criminal or employment history of a person;
  - 1.14.3. any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other particular assignment to a person;
  - 1.14.4. the biometric information of a person;
  - 1.14.5. the personal opinions, views, or preferences of a person;
  - 1.14.6. correspondence sent by a person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
  - 1.14.7. the views or opinions of another individual about a person; and/or
  - 1.14.8. the name of a person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about a person.
- Personal information does not include information that does not identify a Data Subject. The personal information that the Company collects about a Data Subject may differ on the basis of the engagement with them or the products/goods and/or services that are delivered or rendered.
- 1.15. **this Policy:** means this PRIVACY POLICY prepared in terms of the POPI Act, together with all annexures thereto, as amended, and made available on the Company's website or at its offices from time to time
- 1.16. **POPI/POPIA** means the Protection of Personal Information Act, No 4 of 2013, as amended, together with any regulations published there under
- 1.17. **private body** means -
- 1.17.1. a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
  - 1.17.2. a partnership which carries or has carried on any trade, business or profession;
  - 1.17.3. any former or existing juristic person; or
  - 1.17.4. a political party;
- but excludes a public body
- 1.18. **processing:** means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:
- 1.18.1. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation, or use;

- 1.18.2. the dissemination or spreading, by means of transmission thereof, distribution or making available in any other form, by electronic communications or other means; or
- 1.18.3. the merging, linking, restriction, blocking, degradation, erasure, or destruction of information, for the purposes of this definition.
- 1.19. **public body** means -
- 1.19.1. any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
- 1.19.2. any other functionary or institution when -
- 1.19.2.1. exercising a power or performing a duty in terms of the Constitution of the Republic of South Africa or a provincial constitution; or
- 1.19.2.2. exercising a public power or performing a public function in terms of any legislation
- 1.20. **record(s)** means any recorded information, regardless of the form or medium, in the possession or under the control of the Company, whether or not it was created by the Company, or any third party acting for or on behalf of the Company, and regardless of when it came into existence, which may include any of the following:
- 1.20.1. writing on any material;
- 1.20.2. 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;
- 1.20.3. 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;
- 1.20.4. book, map, plan, graph or drawing;
- 1.20.5. 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 produced
- 1.21. **Responsible Party** means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information
- 1.22. Unless the contrary is specified, to the extent that any terms used in this Policy are defined in the POPI Act, such terms will be given the meaning ascribed to them in the said POPI Act.
- 1.23. In this Policy words importing any one gender includes the other gender, the singular includes the plural, and vice versa, natural persons include created entities (corporate or unincorporated) and vice versa.

## 2. **INTRODUCTION AND PURPOSE OF THIS PRIVACY POLICY**

- 2.1. The Company is an internet service provider operating as a private body within the Republic of South Africa.
- 2.2. As a Responsible Party the Company recognises:

2.2.1. the importance of privacy and the protection of personal information provided to the Company by Data Subjects; and

2.2.2. its legal obligations under the POPI Act,

and is committed to the safeguarding of personal information.

2.3. The Company strives to ensure that it processes personal information in a lawful manner, which is both reasonable and relevant to its business activities, with the ultimate goal of improving services and client/customer experience.

2.4. The purpose of this Policy is to set out how the Company processes personal information. It also contains information regarding the rights afforded to Data Subjects and how or where a Data Subject can contact either the Company or its Information Officer or Deputy Information Officer, if appointed.

2.5. The Information Officer of the Company is responsible for overseeing queries or discussions relating to this Policy and the rights under data protection legislation. The contact details of the Information Officer is set out in [clause 15](#) hereof.

2.6. The Company encourages its clients/customers, visitors, employees, suppliers, service providers, sale representatives, contractors, consultants, and other interested parties to read this Policy when engaging with it for the delivery of products/goods or services.

2.7. By transacting with or making use of the Company's services, or by submitting personal information to the Company, the Data Subject acknowledges that they understand and agree to be bound by this Policy, and agree that the Company may process their personal information as contemplated in this Policy.

2.8. The Company reserves the right to amend this Policy from time to time or to add provisions to it at any time, without notice, [by publishing an updated version on its website](#).

### 3. **COLLECTION OF INFORMATION**

#### 3.1. **When is personal information collected from Data Subjects?**

The Company, in carrying out its services and/or business operations, collects personal information in the following instances:

3.1.1. When a Data Subject contacts the Company to request information relating to products/goods or services;

3.1.2. When a Data Subject engages with the Company, for any reason, via its websites, social media, telephonically, or any other manner;

3.1.3. When the Company provides or renders products/goods or services to a Data Subject;

3.1.4. When liaising, appointing or contracting with suppliers, service providers, sale representatives, contractors and/or consultants; and/or

3.1.5. When a person applies for employment at the Company.

#### 3.2. **What personal information is collected and/or processed by the Company?**

3.2.1. **Personal or identity information**, such as names, surnames, name change information, usernames, identity or registration numbers, copy of identity documents, photographs,

nationalities, tax or VAT reference numbers, marital or civil union status, title, occupation, interests, date of birth, age, gender;

- 3.2.2. **Contact details** such as telephone numbers, email addresses, physical, billing, delivery or postal addresses, GPS co-ordinates or Internet Protocol (IP) location, next of kin details;
- 3.2.3. **Financial or transactional information** such as bank account details, details about payments made to or by a Data Subject, information relating to a financial activity, other payment information, credit records (where applicable), ~~details of funds which are invested and held on behalf of a Data Subject for a matter, insurance information, financial statements,~~ tax clearance certificates or VAT registration numbers;
- 3.2.4. **FICA information** which may be necessary to ensure compliance with the Financial Intelligence Centre Act, No 38 of 2001, as amended;
- 3.2.5. **Employment information** such as education, qualifications, academic records, training records, work experience, employment status or history, contact details of current or previous employer(s) or references, information provided by recruitment agencies, next of kin and emergency contact details, remuneration records, leave records, performance evaluations, disciplinary records, health information, medical aid details, banking details, tax reference numbers, criminal and/or credit history records, or any other personal records or information provided to the Company by employees (or a third party or agent acting on their behalf) and/or any information collected or noted during an interview process;
- 3.2.6. **Technical Information** such as internet protocol (IP) addresses, login data, browser type and version, time zone setting and/or location, browser plug-in types or versions, operating systems and platforms, and other technology on the devices used to access the Company website or to use products/goods and/or services or to engage with the Company;
- 3.2.7. **Usage Information** such as information regarding a Data Subject's access to and use of the Company website, products/goods or services of the Company, including: which links a Data Subject went to; what content was accessed; the amount of content viewed and the order of that content; the amount of time spent on specific content; and what products/goods or services were accessed or used when engaging with the Company;
- 3.2.8. **Location Information** such as geographical information from a device, usually based on the GPS co-ordinates or Internet Protocol (IP) location;
- 3.2.9. **Marketing or Communications Information** such as preferences in respect of receiving marketing information from the Company, or its third parties, and/or communication preferences;
- 3.2.10. **Special personal information** such as religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric information or information about criminal behaviour, offences or convictions may in certain circumstances be collected from Data Subjects when engaging with the Company (also see [clause 3.4](#) in this regard and the Company's "**CCTV POLICY**"); and/or
- 3.2.11. **Personal information of children (as defined in the POPI Act):** The Company's website, products/goods or services are not targeted at persons under the age of 18; however, should the personal information of a Data Subject in this age group be processed by the Company in one of the limited instances provided for in the POPI Act, it shall only be conducted with the prior consent of a competent person (i.e. parent or legal guardian) or to comply with an obligation in law or in accordance with Section 35 of the POPI Act.

### 3.3. **Manner in which personal information is collected from Data Subjects:**

The Company uses the following sources to collect personal information (this list is not exhaustive and may vary from time to time):

- 3.3.1. Directly from a Data Subject or during active interaction with a Data Subject;
- 3.3.2. From third parties, such as agents, suppliers, service providers, sales representative, contractors, consultants, recruitment agencies, credit reference agencies, or other companies providing services to or on behalf of the Company;
- 3.3.3. Through public sources that are open to the public for information, such as the Companies and Intellectual Property Commission (CIPC), the Deeds Registry Office of South Africa, the Master of the High Court, or other regulators, government authorities and registries, or professionals representing a Data Subjects; and/or
- 3.3.4. By Close Circuit Television (CCTV).

### 3.4. When will Special Personal Information be processed?

- 3.4.1. The Company will generally not process special personal information (as per clause 3.2.10 above) about a Data Subject unless, and subject to Sections 28 to 33 of the POPI Act:
  - 3.4.1.1. processing is carried out with the consent of a Data Subject or the special personal information has deliberately been made public by the Data Subject;
  - 3.4.1.2. processing is necessary for the establishment, exercise or defense of a right or obligation in law or processing is necessary to comply with an obligation of international public law;
  - 3.4.1.3. processing is for historical, statistical or research purposes to the extent that:-
    - 3.4.1.3.1. the purpose serves a public interest and the processing is necessary for the purpose concerned; or
    - 3.4.1.3.2. it appears to be impossible or would involve a disproportionate effort to ask for consent,

and sufficient guarantees are provided for to ensure that the processing does not adversely affect the individual privacy of the Data Subject to a disproportionate extent.
- 3.4.2. The instances in which the Company may process special personal information include the following:
  - 3.4.2.1. information processed through Close Circuit Television (CCTV) cameras installed on or at the Company's Premises for safety and security reasons (also see the Company's "**CCTV POLICY**" in this regard);
  - 3.4.2.2. as part of a recruitment and hiring process;
  - 3.4.2.3. as part of the 'know your client' (KYC) processes or customer due diligence (CDD) checks in terms of the Financial Intelligence Centre Act, No 38 of 2001;
  - 3.4.2.4. to comply with health regulations and/or protocols, for instance during a pandemic; and



- 3.4.2.5. to ascertain dietary requirements when Data Subjects attend events organised by or on behalf of the Company.

### 3.5. **Data Subject: clients and/or customers (existing or potential)**

- 3.5.1. Should a Data Subject enter into a contract or agreement with the Company or interact with the Company via social media, WhatsApp, electronic mail, its website, or any other type of electronic communication this will result in the collection of personal information regarding the Data Subject and/or the Data Subject's activities on the website or other platforms used. The information so collected may include, but is not limited to the following:
  - 3.5.1.1. Name, surname and username;
  - 3.5.1.2. Contact details (such as telephone/cell phone number and email address);
  - 3.5.1.3. Addresses (such as physical, postal, delivery or billing addresses);
  - 3.5.1.4. Identity or registration numbers, copy of identity documents (which will include photographs, nationality, date of birth, age, gender);
  - 3.5.1.5. GPS co-ordinates or location;
  - 3.5.1.6. Technical information, as set out in **clause 3.2.6** above;
  - 3.5.1.7. Usage information, as set out in **clause 3.2.7** above;
  - 3.5.1.8. Marketing information, as set out in **clause 3.2.9** above; and/or
  - 3.5.1.9. Other information relating to products/goods or services required by the Data Subject from the Company.
- 3.5.2. The following information is **compulsory personal information** of a Data Subject engaging with the Company for the delivery or rendering of **products/goods** or services:
  - 3.5.2.1. A Data Subject's name and surname; and
  - 3.5.2.2. A Data Subject's contact details, such as email address, physical address, location or GPS co-ordinates and/or telephone number.
- 3.5.3. If a client/customer does not agree to share the above-mentioned compulsory personal information with the Company they will not be able to engage with the Company as the Company will be unable to supply its products/goods or services and/or the features that are offered, including products/goods or services which are available on its Website.

### 3.6. **Data Subject: employees**

- 3.6.1. When the Company recruits new or potential employees, it may collect personal information from employment applicants. The personal information so collected may include, but is not limited to:
  - 3.6.1.1. Names, surnames, name change information, identity numbers, copy of identity documents (which will include photographs, nationality, date of birth, age, gender), marital or civil union status, title, occupation, interests;
  - 3.6.1.2. Contact details such as telephone numbers, email addresses, physical or postal addresses;
  - 3.6.1.3. Bank account details;
  - 3.6.1.4. Education, academic records and/or qualifications;

- 3.6.1.5. Training records and work experience;
  - 3.6.1.6. Employment status or history;
  - 3.6.1.7. Contact details of current and/or previous employers and/or references;
  - 3.6.1.8. Information provided by recruitment agencies;
  - 3.6.1.9. Next of kin and emergency contact details;
  - 3.6.1.10. Remuneration records;
  - 3.6.1.11. Leave records;
  - 3.6.1.12. Performance evaluations;
  - 3.6.1.13. Disciplinary records;
  - 3.6.1.14. Health and medical aid details;
  - 3.6.1.15. Tax reference numbers;
  - 3.6.1.16. Criminal and/or credit history records;
  - 3.6.1.17. Any other personal information or record(s) provided to the Company by employees (or potential employees) and any information collected or noted by the Company during an interview process; and/or
  - 3.6.1.18. Special personal information as set out in **clause 3.4** above, if needed.
- 3.6.2. By enquiring about or applying for employment at the Company, it shall be deemed that an applicant has provide consent to the Company for the processing of their personal information for employment purposes, which may include screening, background or reference checks.

### 3.7. **Data Subjects: suppliers, service providers, sales representatives, contractors, consultants**

- 3.7.1. The Company may collect personal information when it contacts, transacts or enters into agreements or contracts with any of its suppliers, service providers, sales representatives, contractors, consultants, including their agents or representatives. The information so collected may include, but is not limited to:
- 3.7.1.1. names, surnames, title, occupation, identity or registration numbers,
  - 3.7.1.2. tax or VAT reference numbers,
  - 3.7.1.3. appointment, role or positon held,
  - 3.7.1.4. telephone numbers,
  - 3.7.1.5. email addresses,
  - 3.7.1.6. physical, billing, delivery or postal addresses,
  - 3.7.1.7. bank account details,
  - 3.7.1.8. payment information such as details about payments made to/by a Data Subject, or related financial activity,
  - 3.7.1.9. credit records (if applicable),
  - 3.7.1.10. insurance information, and/or
  - 3.7.1.11. **financial statements**.

- 3.7.2. By preparing quotations for, contracting with or delivering products/goods or services to the Company, it shall be deemed that the above listed Data Subjects have provided their consent to the Company processing their personal information.

**3.8. Data Subjects: visitors to the Company Premises:**

- 3.8.1. When visiting or entering the Company's Premises the Company may collect the following personal information from a Data Subject either by Close Circuit Television (CCTV) or by verbal and/or visual inspection or enquiry:

- 3.8.1.1. Names and surnames,
- 3.8.1.2. Identity numbers or copy of identity documents (only if required for security reasons),
- 3.8.1.3. Visual or photographic footage, images or records (which may include race or gender),
- 3.8.1.4. Biometric information, and/or
- 3.8.1.5. Interest the Data Subject has in the Company and/or reason for visit.

**4. THE PURPOSE FOR PROCESSING PERSONAL INFORMATION**

- 4.1. The Company may, subject to the provisions of this Policy, use or process personal information for, amongst others, the following purposes:

- 4.1.1. to identify a Data Subject;
- 4.1.2. to provide and/or improve products/goods or services to clients/customers;
- 4.1.3. to market and/or promote the Company's products/goods or services delivered or rendered to clients/customers;
- 4.1.4. to comply with legal, statutory or regulatory obligations or requests;
- 4.1.5. to process an employment application received by the Company;
- 4.1.6. to interact or communicate with a Data Subject, including a potential client/customer or employees;
- 4.1.7. to enable a Data Subject to conclude contracts or agreements with the Company;
- 4.1.8. to retain records of the communication between a Data Subject and the Company;
- 4.1.9. to create, maintain or update a database for communication, payment and general administration relating to customers/clients, suppliers, service providers, sale representatives, consultants, contractors and/or any other third parties;
- 4.1.10. to communicate with persons for the Company's internal purposes;
- 4.1.11. to subscribe to publications;
- 4.1.12. to enable a Data Subject to access portions of the Company's website;
- 4.1.13. to grant a Data Subject physical access to the Company Premises;
- 4.1.14. to ensure safety and security of the Company's Premises; and/or
- 4.1.15. to exercise or defend the Company's legal and statutory rights.

- 4.2. The Company shall obtain a Data Subject's consent, if necessary, to process personal information for any purpose not listed above.

## 5. **DISCLOSURE OF PERSONAL INFORMATION**

- 5.1. Third parties appointed by the Company, such as data storage and processing service providers, suppliers, service providers, sale representatives, contractors or consultants may from time to time have access to a Data Subject's personal information in connection with the purpose for which the personal information was initially collected and processed by the Company. Except as provided herein, personal information will only be shared with or disclosed to the said third parties if, for instance:

- 5.1.1. The Data Subject has authorised the Company to do so;
- 5.1.2. It is required or necessary in order for the Company to provide products/goods or services to clients/customers;
- 5.1.3. It is required in order for the Company to enforce its rights;
- 5.1.4. The Company is required to do so by law; or
- 5.1.5. The Company is required or authorised to do so by a court order.

## 6. **TRANSFER OF PERSONAL INFORMATION**

- 6.1. Personal information of Data Subjects collected by the Company may be transferred to third parties based in other countries for purposes such as information technology systems service providers, hosting or processing service providers, or online or cloud service providers.
- 6.2. The Company will take reasonable steps to ensure that recipients in other countries as set out above have appropriate privacy measures in place. If those countries' laws do not protect personal information in the same way or on the same level as in the Republic of South Africa, the Company shall ensure that the third-party receiving the personal information is subject to legal, binding corporate rules or a binding agreement which provides an adequate level of protection that is considerably comparable to Section 72 of the POPI Act, which relates to the transfer of personal information from the Data Subject to the recipient and to third parties who are situated in a foreign country.

## 7. **RETENTION OF PERSONAL INFORMATION**

- 7.1. Personal information may be retained by the Company in any of the following manners:
  - 7.1.1. Physical hard copies held at the Company Premises;
  - 7.1.2. In storage at the premises of third-party document storage facility service providers; and/or
  - 7.1.3. On the servers of either the Company or third-party service providers, such as information technology systems service providers; hosting or processing service providers; or online backup or cloud service providers.
- 7.2. The POPI Act requires that:
  - 7.2.1. Personal information should not be retained for a period longer than is necessary for achieving the purpose for which such information was collected or subsequently processed, subject to certain exceptions; and

- 7.2.2. Once a record containing personal information is no longer required, such record must be destroyed or deleted as soon as reasonably and practically possible and in a manner that prevents its reconstruction in an intelligible form.
- 7.3. In compliance with **clause 7.2** above, the Company has implemented a **“RECORDS RETENTION POLICY”** which:
  - 7.3.1. sets guidelines and standards for the retention and destruction of records by the Company, and
  - 7.3.2. documents and exercises effective control over the retention and/or destruction of records.
- 7.4. All employees of the Company must adhere to the **“RECORD RETENTION POLICY”** when processing, retaining and/or destroying records containing personal information. Failure to adhere to the aforementioned policy may result in disciplinary actions against such employee.

## 8. **INTERNET COOKIES**

- 8.1. The Company’s website makes use of internet cookies. An internet cookie is a small piece of data (alphanumeric identifier) pertaining to website visitors and website usage which the Company’s computer system or server creates, collects, stores and transfers. This is done through the web browser of a website visitor.
- 8.2. The purpose of internet cookies is for the Company’s computer system to:
  - 8.2.1. recognise and identify a website visitor when they next visit the website and to distinguish that visitor from other users;
  - 8.2.2. recall a website visitor’s individual login information or preferences (such as previously viewed items);
  - 8.2.3. track and monitor performance analytics, such as: how many times a website visitor has visited a website page; what links a visitor went to; what content was accessed; the amount of content viewed; the order of that content; as well as the amount of time spent on the specific content;
  - 8.2.4. enhance the content of the website in order to give the website visitor a more personalised experience (such as suggested products/goods or services, customized advertising or language preferences);
  - 8.2.5. improve the website visitor’s overall web browsing experience, thereby improving the Company’s service to a Data Subject; and/or
  - 8.2.6. make the website more user-friendly for a website visitor.
- 8.3. The personal information that may be collected in the above manner may include a website visitor’s identity information, contact details, technical and profile information, location or any other personal information.
- 8.4. **A website visitor may disable or decline the use of internet cookies when visiting the Company’s website; however, this will reduce their user experience on the website.**

## 9. **MARKETING**

- 9.1. The Company may from time to time send marketing or promotional material by means of a text, voice, sound or image message using any form of electronic communication (including electronic mail, SMS, WhatsApp and automatic calling machines), which shall be dealt with in the following manner:
  - 9.1.1. **New or prospective clients or customers:**

(a) The Company shall not make use of direct marketing **unless** a new or prospective client/customer has given their **consent** (the client/customer must **'opt in'**).

(b) Such new or prospective client/customer can **only be approached once** to obtain their consent (once such consent is refused, it is refused forever).

9.1.2. **Existing clients or customers:**

(a) If the personal information of an existing client/customer was obtained by the Company in the context of the sale of products/goods or service, the direct marketing **can only relate** to the Company's own **similar products/goods or services**.

(b) The client/customer must be given the **right to cancel/unsubscribe ('opt out')** at the time that the information was collected and **each time** communication relating to marketing material is received.

9.2. Data Subjects may also 'opt out' from receiving such marketing communications from the Company by contacting the Company or its Information Officer (or Deputy Information Officer, if appointed) at the details provided herein, alternatively by clicking on the opt-out link that will be contained in the relevant electronic communication.

9.3. This Policy does not apply to the processing of personal information by other third parties relating to or by means of other parties' websites, products/goods or services, such as websites linked to, from or advertised on the website of the Company or through its products/goods or services, or sites which link to or advertise the website of the Company. The Company will not be responsible for the privacy practices of such third party websites, or for any claims, loss or damages arising from the aforementioned and advises Data Subjects to read the privacy policy of each third party website.

10. **TECHNICAL, SECURITY AND ORGANISATIONAL SAFEGUARDS AND MEASURES**

10.1. The Company shall, to the best of its ability and depending on internal and external resources, implement reasonable security measures to:

10.1.1. **Identify any reasonable foreseeable internal or external risks** posed to personal information in its possession or held under its control;

10.1.2. **Establish and maintain appropriate security measures and safeguards** against any risks identified;

10.1.3. **Regularly verify** that the security measures and safeguards are effectively implemented to the best of the Company's knowledge and ability;

10.1.4. **Continuously update security safeguards and measures** to ensure that the Company, or any of its external service providers, suppliers, sale representatives, contractors or consultants, responds to new risks or deficiencies in previously implemented safeguards; and

10.1.5. **Report data breaches** to the Information Regulator and all Data Subjects concerned as per the **"DATA BREACH POLICY"** of the Company.

10.2. When processing personal information the Company shall apply the safeguards and measures contained in the following schedule **annexed hereto**: **"ANNEXURE 1: SAFEGUARDING PERSONAL INFORMATION: TECHNICAL, SECURITY AND ORGANISATIONAL SAFEGUARDS AND MEASURES"** to ensure that requirements to protect and avoid unauthorised access to personal information are met.

10.3. **Despite the measures referred to above being taken when processing personal information and special personal information, and subject to the provisions of this clause 10 as far as the law allows, the Company shall not be liable for any loss, claim and/or damage arising from any**

**unauthorised access, disclosure, misuse, loss, alteration or destruction of a Data Subject's personal information and/or special personal information.**

## 11. DATA SUBJECTS' RIGHTS IN RESPECT OF THEIR PERSONAL INFORMATION AS CONTEMPLATED IN POPI ACT

11.1. Data Subjects have the following right as set out in Section 5 of the POPI Act:

- 11.1.1. to be informed that their personal information is being collected or processed;
- 11.1.2. to access their personal information processed by the Company;
- 11.1.3. to request that their personal information be rectified, updated, amended, or deleted by the Company;
- 11.1.4. to be notified if their personal information has been accessed or acquired by an unauthorised person;
- 11.1.5. to request that the Company restricts the processing of their personal information;
- 11.1.6. to object to the processing of their personal information;
- 11.1.7. not to have their personal information processed for purposes of direct marketing by means of unsolicited electronic communications; and
- 11.1.8. to submit a complaint with the Information Regulator or to institute civil proceedings, if needed.

11.2. With reference to Data Subjects' right to have their personal information deleted, as set out in [clause 11.1.3](#) above, the Company may, in certain instances (such as when prohibited by law), legally refuse or decline such request made by the Data Subject.

11.3. Data Subjects are encouraged to review their personal information regularly to ensure that it is accurate and current. If a Data Subject wishes to access, rectify, update or amend their personal information, or to exercise any of other their rights set out in [clause 11.1](#) above, they may contact the Company at the details provided herein. The guidelines set out in die Company's "**PAIA MANUAL prepared in terms of Section 51 of the Promotion of Access of Information Act, No 2 of 2000**" and section 23 to 25 of the POPI Act may also be of value in this regard.

11.4.A Data Subject also has the right to block all internet cookies. Also see [clause 8](#) in this regard.

11.5. A Data Subject further has the right to withdraw consent which was previously given for the processing of personal information at any time; however, the consent can only be withdrawn on condition that it:

- 11.5.1. does not affect the processing of personal information before the withdrawal of the consent;
- 11.5.2. does not affect the processing of personal information if the processing is in compliance with an obligation imposed by legislation;
- 11.5.3. does not affect the processing of personal information where such processing is necessary for the proper performance of a public law duty by a public body;
- 11.5.4. does not affect the processing of personal information as required to finalise the performance of a contract, agreement or transaction to which the Data Subject is a party; or
- 11.5.5. does not affect the processing of personal information as required to protect a legitimate interests whether of the Data Subject, the Company or a third party to whom the information was supplied.

11.6. Withdrawal of consent may limit the ability of the Company (or a third party acting on its behalf) to provide certain products/goods or services to a Data Subject, but will not affect the continued processing of personal information in instances in which consent is not required.

## 12. **CONSENT PROVIDED IN TERMS OF POPI ACT**

- 12.1. By providing personal information to the Company, a Data Subject consents to the processing of such personal information by the Company for the limited purpose of enabling it to perform its obligations for which such information was provided.
- 12.2. Data Subjects may also be provided with a consent form in terms of the POPI Act. The aforementioned consents are strictly subject to the lawful processing of the personal information by the Company and/or its third-party suppliers, service providers, sale representatives, contractors or consultants.
- 12.3. If a Data Subject is concerned about any aspect of this Policy relating to their personal information, the Data Subject should not continue to engage with the Company, use its Website or its products/goods or services.**

## 13. **OPERATOR AGREEMENTS**

- 13.1. The Company will enter into written “**OPERATOR AGREEMENTS**” with third party service providers, suppliers, sales representative, consultants and contractors which shall:
- 13.1.1. govern their relationship;
  - 13.1.2. requiring the said third parties to secure the integrity and confidentiality of personal information processed by them by taking appropriate, reasonable technical, security and organisational safeguards and measures; and
  - 13.1.3. requiring the said third parties to follow appropriate data retention guidelines.

## 14. **GENERAL PROVISIONS**

- 14.1. Compliance with this Policy is mandatory. All Employees must uphold this Policy and follow the guidelines detailed herein to ensure proper processing of Personal Information by or on behalf of the Company in terms of the POPI Act. The Company reserves the right to monitor, audit, screen, and preserve information as it deems necessary, in its sole discretion, in order to maintain compliance with this Policy and, by extension, all relevant provisions of POPIA.
- 14.2. Any contravention or transgression of this Policy by an Employee is viewed in a serious light and will be investigated. Employees of the Company who are found to be guilty of contravening this Policy will be subject to disciplinary action.
- 14.3. This Policy and any dispute of whatsoever nature relating to or arising from this Policy, whether directly or indirectly, is governed by South African law, without giving effect to any principle of conflict of laws.
- 14.4. The Company may, at any time, transfer, cede, delegate or assign any or all of our rights and obligations under this Policy without a Data Subject’s permission. A Data Subject will be notified of the aforementioned, but not if the Company transfers, cedes, delegates or assigns any rights or obligations to any person which acquires all or part of its business and/or assets. The Company may in certain instances, also sub-contract its obligations, for example, engaging with external service providers, suppliers, printers, consultants, contractors, agents, etc. Where it engages such sub-contractors, the Company will do so without Data Subjects’ permission and will not be required to notify them thereof.
- 14.5. Subject to **clause 14.3** above, this Policy shall apply for the benefit of and be binding on each party's successors and assigns.
- 14.6. The Company’s failure to exercise or enforce any right or provision of this Policy shall not constitute a waiver of such right or provision.
- 14.7. Each provision of this Policy, and each part of any provision, is removable and detachable from the others. As far as the law allows, if any provision (or part of a provision) of this Policy is found by a court or authority of competent jurisdiction to be illegal, invalid or unenforceable (including without limitation, because it is not



consistent with the law of another jurisdiction), it must be treated as if it was not included in this Policy and the rest of this Policy will still be valid and enforceable.

## 15. CONTACT DETAILS

- 15.1. The Company can be contacted (see details below) for queries relating to the contents of this PRIVACY POLICY; the infringement of any rights in respect of personal information; or for purposes of exercising the rights set out herein.

Contact details of the **Information Officer** of the Company:

<b>Name</b>	:	Salomon Maritz
<b>Designation</b>	:	Managing Director
<b>Telephone number</b>	:	+2764 878 7396
<b>Email address</b>	:	paia@waelese.co.za
<b>Postal address</b>	:	1272 Arcadia St, Hatfield, Pretoria, 0083
<b>Physical address</b>	:	1272 Arcadia St, Hatfield, Pretoria, 0083
<b>Website</b>	:	www.waelese.co.za
<b>Information Regulator Reference</b>	:	2024-041567

- 15.2. Should any party be of the opinion that attempts to have the abovementioned matters resolved have been inadequate, a complaint may be lodged with the Information Regulator of South Africa (website: [www.inforegulator.org.za](http://www.inforegulator.org.za)).

## 16. POLICY AWARENESS AND UPDATE

### 16.1. Dissemination:

This Policy will be made available on the Company network, intranet or similar portals.

### 16.2. Review:

This Policy will be reviewed from time to time in order to ensure ongoing compliance with the POPI Act, but such revisions will take place at least annually. More frequent review may be required in response to:

- 16.2.1. exceptional circumstances,
- 16.2.2. organisational change, or
- 16.2.3. relevant changes in legislation, regulation or guidance notes are issued.