

Privacy Policy

**In terms of the Protection of Personal
Information Act 4 of 2013**

Innovative Technology South Africa

Registration Number: CK 2008/207142/23

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INNOVATIVE TECHNOLOGY SOUTH AFRICA

Including its wholly-owned subsidiaries

(hereinafter referred to as “ITSA”)

1. Introduction

We hereby wish to explain how we acquire, use, retain and disclose your personal information, as is required by the Protection of Personal Information Act 4 of 2013 (hereinafter referred to as “the Act”).

The Protection of Personal Information Act, 4 of 2013, regulates and controls the processing, including the collection, use, and transfer of a person’s personal information.

In terms of the Act, a person (Responsible Party) has a legal duty to:

1. Collect;
2. Use;
3. transfer and
4. destroy-

-(process)-

-another’s (Data Subject) personal information in a lawful, legitimate and responsible manner and in accordance with the provisions and the processing conditions set out under the Act.

This Informed Consent Notice explains and sets out

- i. what Personal Information belonging to you / the Data Subject will be processed by ITSA;
- ii. why ITSA needs your / the Data Subject’s Personal Information;
- iii. what ITSA will be doing with your / the Data Subject’s Personal Information;
- iv. who ITSA will share your / the Data Subject’s Personal Information with;
- v. what ITSA will do with your / the Data Subject’s Personal Information once the purpose for the processing comes to an end.

2. Definitions in terms of the Protection of Information Act

In order to understand the implications of this document and the objectives of the Act, the reader is to take note of the following explanatory notes and definitions which will be used throughout this Informed Consent Notice and which may be used in the interpretation of this document:

“biometrics” means a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition; ITSA may from time to time make use of your / the Data Subject’s Biometrics for security access control and related identification procedures.

“competent person” means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child;

“consent” means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information; All Personal Information which you / the Data Subject provides to ITSA will be subject to this Informed Consent Notice and when / by providing ITSA with your / the Data Subject’s Personal Information, you / the Data Subject gives us, ITSA your / the Data Subject’s implied consent to use your / the Data Subject’s Personal Information in accordance with this Informed Consent Notice.

“Data Subject” means you, the person who will provide ITSA or its Operator(s) with Personal Information and who consents when providing such Personal Information, to ITSA use thereof in accordance with this Informed Consent Notice. A Data Subject will include you, / the Data Subject, the reader of this notice who will be providing ITSA with your/ or your business’s / the Data Subject’s Personal Information and which you and your business, / the Data Subject by virtue of you / the Data Subject providing such Personal Information to ITSA, give ITSA the required consent to use the Personal Information, in accordance with this Informed Consent Notice.

“Operator” means a natural person or a juristic person who processes your/ a Data Subject’s Personal Information on behalf of ITSA in terms of a contract or mandate, without coming under the direct authority of ITSA; ITSA will, in order to pursue and protect its legitimate interests and in many cases to protect you/ the Data Subject, will under a written contract ask Operators to process certain categories of your/ the Data Subject’s Personal Information on its behalf including without detracting from the generality thereof, advertising agencies, research companies, Relevant Industry Associations, Payroll service providers, Auditors, Legal Practitioners, and Government and Provincial Departments.

“person” means a natural person or a juristic person;

“processing” means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including—

- i. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- ii. dissemination by means of transmission;
- iii. distribution or making available in any other form;
- iv. merging, linking, as well as restriction, degradation, erasure or destruction of information;
- v. sharing with, transfer and further processing, to and with such information.

“responsible party” means ITSA including without detracting from the generality thereof, its directors, management, executives, internal auditors, legal practitioner and compliance officers, company secretary, and all other employees and Operators who need to process a Data Subject/your personal Information for ITSA business purposes.

3. Definition of Personal Information and Personal Information Processing by ITSA

“Personal Information” means information relating to:

any identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, namely the Data Subject, including, but not limited to:

- i. Information relating to the race, gender, marital status, national, ethnic or social origin, colour, age, language and birth of the person;
- ii. ITSA will need to process race, gender, marital status, national, ethnic or social origin, colour, age, language and birthdates of all potential and actual sole proprietors and individual service providers who intend or do provide products and services to ITSA for security, business and contractual, related purposes.
- iii. ITSA will need to process race, gender, marital status, national, ethnic or social origin, colour, age, language and birthdates of all potential and actual customers and consumers and / or beneficiaries, who intend or do use the ITSA products and services for security, business, contractual and marketing and promotional related purposes.
- iv. ITSA will need to process race, gender, marital status, national, ethnic or social origin, colour, age, language and birthdates of persons who ask ITSA for information or in order for ITSA to reply to any query or request made by such person.
- v. ITSA will need to process information relating to the financial and criminal history of all potential and actual service providers who are legal entities, who intend or do provide products and services to ITSA for security, business and contractual related purposes.

Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or any other particular assignment to the person;

ITSA will need to process all Data Subjects identity or registration numbers, e-mail address, physical and postal address, telephone and contact numbers, location information, and other required identifiers pertaining to a Data Subject from time to time for security, employment, business, marketing, promotional and contractual related purposes or in order

for ITSA to attend to a person's request, or enquiry for information, including any person or Data subject who applies for assistance of any kind.

Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;

ITSA may from time to time make use of private or confidential correspondence received from a Data Subject for business, investigative and / or security purposes as well as for employment, or contractual purposes.

“Special Personal information” includes any information relating to an individual's: Ethnicity, Gender, Religious or other beliefs, Political opinions, Membership of a trade union, Sexual orientation, Medical history, Offences committed or alleged to have been committed by that individual, Biometric details, and Children's details.

ITSA and its Operators will from time-to-time process Special Personal Information pertaining to you / a Data Subject for business, security, employment, and contractual purposes.

4. Recorded Information

“record” means any recorded information regardless of form or medium, including any of the following:

- i. Writing on any material;
 - 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;
- ii. Label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
 - book, map, plan, graph or drawing;

- iii. 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;

in the possession or under the control of a responsible party;

- i. whether or not it was created by a responsible party; and
- ii. regardless of when it came into existence;

ITSA and its Operators will from time-to-time process Personal Information pertaining to you/ a Data Subject for business, marketing, promotional, investigations, security, employment, and contractual purposes. All Personal Information processed by ITSA and its Operators will be housed under a record.

5. Storage, Retention and Destruction of Information

1. Your / the Data Subject's Personal Information will be stored electronically in a centralised data base, which, for operational reasons, will be accessible to all within ITSA on a need to know and business basis, save that where appropriate, some of your / the Data Subject's Personal Information may be retained in hard copy.
2. All Personal Information which you / the Data Subject provide to ITSA will be held and / or stored securely. In this regard ITSA undertakes to conduct regular audits regarding the safety and the security of your / the Data Subject's Personal Information.
3. Once your / the Data Subject's Personal Information's no longer required due to the fact that the purpose for which the Personal Information was held has come to an end and expired, such Personal Information will be safely and securely archived for a period of 5 years, as per the requirements of the Companies Act, 71 of 2008 or longer should this be required by any other law applicable in South Africa. ITSA thereafter will ensure that such Personal Information is permanently destroyed.

6. Purpose for the Collection of Personal Information

In order for ITSA to pursue its business objectives and strategies, ITSA needs to process your Personal Information which Personal Information will be used for a number of legitimate purposes, including, *inter alia*, the following:

- i. for the purposes of complying with a variety of lawful obligations, including without detracting from the generality thereof:
 - Administrative laws,
 - Company laws,
 - Corporate governance codes,
 - Communication laws,
 - Financial and Tax laws,
 - Labour and Employment laws,
- ii. for the purposes of carrying out actions for the conclusion and performance of a contract as between ITSA and yourself / the Data Subject;
- iii. where required by law or company policy receiving from or providing to any credit bureau or credit provider or credit association information about your / the Data Subject's credit record, including personal information about any judgement or default history;
- iv. for the purposes of any proposed or actual merger, acquisition or any form of sale of some or all ITSA 's assets, providing your / the Data Subject's Personal Information to third parties in connection with the evaluation of the transaction and related due diligence procedures;
- v. for the purposes of making contact with you / the Data Subject and attending to your / the Data Subject's enquiries and requests.
- vi. for academic research and statistical analysis purposes, including data analysis, testing, research and product development and product review purposes;
- vii. or the purposes of pursuing your / the Data Subject's and / or ITSA 's legitimate interests, or that of a third party to whom the Personal Information is supplied;

- viii. for the purposes of providing, maintaining, and improving the ITSA products and Services, and to monitor and analyse various usage and activity trends pertaining thereto;
- ix. for the purpose of preventing fraud and abuse of ITSA processes, systems, procedures and operations, Including conducting internal and external investigations and disciplinary enquiries and hearings.

7. Access to Information by the Data Subject

You / the Data Subject has the right at any time to ask ITSA to provide you / the Data Subject with details of the Personal Information which ITSA holds on your/ the Data Subject's behalf; such request can be made by contacting the Information Officer.

8. Accuracy of Information and Onus

The Act requires that all your / the Data Subject's Personal Information and related details, as supplied are complete, accurate and up-to-date.

ITSA will always use its best endeavours to ensure that you / the Data Subject's Personal Information is reliable, **it will be you / the Data Subject's responsibility to advise ITSA of any changes to your / the Data Subject's Personal Information, as and when these may occur.**

9. Amendments

ITSA reserves the right to amend this Informed Consent Notice from time to time. You/ the Data Subject are requested to please check the ITSA website periodically to inform yourself/ the Data Subject of any changes.

10.Complaints and the Right to Object

You / the Data Subject's are encouraged to make immediate contact with the ITSA Information Officer at any time if you are not comfortable or satisfied with the manner in which ITSA is processing your / the Data Subject's Personal Information.

If you / the Data Subject is not satisfied with such process, you / the Data Subject has the right to lodge a complaint with the Information Regulator.

The Information Regulator can be contacted via the following:

Website: <https://www.justice.gov.za/infoereg/>

Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Complaints email: infoereg@justice.gov.za

11. ITSA Information Officer

DECLARATION AND INFORMED CONSENT

1. I/ the Data Subject confirm that my / the Data Subject's Personal Information, provided is accurate, up-to-date, not misleading and is complete in all respects, save where same may change and then in such an event, I/ the Data Subject undertake to advise ITSA or its Operator(s) of these changes. (PLEASE REFER TO CLITSAE 8)
2. I, / the Data Subject, in providing the required Personal Information to ITSA and / or to its Operator, consent and give ITSA permission to process and further process my /the Data Subject's Personal Information as and where required and acknowledge that I/ the Data Subject understand the purposes for which the Personal Information is required and for which it will be used. (PLEASE REFER TO CLITSAE 4, 5 and 6)
3. You / the Data Subject agree that ITSA may use all the Personal Information which you / the Data Subject provides to ITSA which ITSA requires for the purposes of pursuing its business objectives and strategies.

Please note:

- i. should any of the Personal Information which has been provided by you /the Data Subject's concern or pertain to a legal entity whom you/ the Data Subject's represent, you /the Data Subject's confirm that you /the Data Subject's have the necessary authority to act on behalf of such legal entity and have the right to provide the Personal Information and / or the required consent to use said Personal Information, on behalf of the aforementioned legal entity.
- ii. Should you/ the Data Subject refuse to provide ITSA with your Personal Information which is required by ITSA for the purposes indicated above, and the required consent to process the aforementioned Personal Information then **ITSA will be unable to engage with you / the Data Subject or enter into any agreement or relationship with you/ the Data Subject.**

- iii. ITSA undertakes that it will only use your / the Data Subject's Personal Information for the aforementioned purposes and for no other, unless with your / the Data Subject's prior permission.

By signing this agreement, you / the Data Subject or a duly appointed representative of the Data Subject understands the above and give consent in the terms set out above.