

# PRIVACY POLICY

Colcab Pty Ltd  
("the Company")

## 1 INTRODUCTION

1.1 Capitalised terms used in this Policy are explained in **Schedule 1** and will for purposes of this Policy bear the meaning as set forth in **Schedule 1**.

1.2 The Company is sensitive to the personal nature of the information you provide to us.

1.3 This privacy policy ("**this Policy**") explains how the Company protects and uses your Personal Information.

1.4 By providing the Company with your Personal Information, you –

1.4.1 agree to this Policy and authorise the Company to process such information as set out herein; and

1.4.2 authorise the Company, its Associates, its Service Providers and other third parties to Process your Personal Information for the purposes stated in this Policy.

1.5 The Company will not use your Personal Information for any purpose other than that set out in this Policy and will endeavour to protect your Personal Information that is in the Company's possession from unauthorised alteration, loss, disclosure or access.

1.6 Please note that the Company reserves the right to review, modify and update this Policy from time to time. Such amended Policy will be uploaded to the Website and such amended Policy will supersede and replace any previous versions with effect from the date on which it is uploaded to the Website.

1.7 This Policy applies to all external parties (collectively hereinafter "**you**") with whom the Company interacts, including but not limited to, individual customers, representatives of customers, visitors to the Company's offices,

showrooms, manufacturing premises and/or interacting with the Company at trade shows and/or otherwise obtaining the products or services provided by the Company.

## 2 COLLECTION OF PERSONAL INFORMATION

- 2.1 The Company may collect or obtain Personal Information about you -
- 2.1.1 directly from you;
  - 2.1.2 in the course of the Company's relationship with you;
  - 2.1.3 in the course of providing products or services to you or your organisation;
  - 2.1.4 when you generally make your Personal Information public;
  - 2.1.5 when you visit and/or interact with the Website or the Company's various social media platforms or other online media presence
  - 2.1.6 when you register to receive any of the Company's newsletters, updates, brochures or other promotional activities;
  - 2.1.7 when the Company performs any background or credit check on you for the purpose of confirming your ability and/or eligibility to enter into any credit arrangements with the Company;
  - 2.1.8 when you interact with any third party content or advertising on the Website; or
  - 2.1.9 when you visit the Company's offices, showrooms, manufacturing premises or interact with the Company at trade shows.
- 2.2 The Company may also receive Personal Information about you from third parties (e.g. law enforcement authorities and credit bureaux).

- 2.3 In addition to the above, the Company may create Personal Information about you such as records of your communications and interactions with the Company, including, but not limited to, your attendance at promotional or trade events in which the Company is involved, at interviews in the course of applying for a job with the Company, subscription to the Company's newsletters and other mailings and interactions with you during the course of any of the Company's digital marketing campaigns.

### **3 CATEGORIES OF PERSONAL INFORMATION THE COMPANY MAY PROCESS**

- 3.1 The company may process the following categories of Personal Information about you -

- 3.1.1 personal details such as your name;
- 3.1.2 demographic information such as your gender, date of birth/age, nationality, salutation, title and/or language preferences;
- 3.1.3 identifier information to verify your identity such as your passport or national identity number;
- 3.1.4 contact details such as your correspondence address, telephone number, email address and/or details of your public social media profile(s);
- 3.1.5 attendance records such as the details of meetings and other events organised by or at which the Company is represented that you have attended;
- 3.1.6 consent records such as records of any consents or opt-ins you may have given, together with the date and time, means of consent and any related information;
- 3.1.7 employer details such as where you interact with the Company in your capacity as an employee of an organisation, the name, address, telephone number and/or email address of your employer (to the extent relevant);

- 3.1.8 payment details such as your billing address, payment method, bank account number or credit card number, invoice records, payment records, SWIFT details, IBAN details, payment amount, payment date and/or records of cheques;
- 3.1.9 data relating to your visits to the Website, your device type, operating system, browser type, browser settings, IP address, language settings, dates and times of connecting to the Website and other technical communications information;
- 3.1.10 content and advertising data such as records of your interactions with the Company's online advertising and content, records of advertising and content displayed on pages displayed to you and/or any interaction you may have had with such content and/or advertising (including, but not limited to, mouse hover, mouse clicks and/or any forms you complete);
- 3.1.11 records of orders and purchases you made from the Company or services of the Company utilised you.

#### **4 SENSITIVE PERSONAL INFORMATION**

Should the Company need to Process your Sensitive Personal Information, it will do so only in the ordinary course of the Company's business, for a legitimate purpose, and in accordance with applicable law.

#### **5 PURPOSES OF PROCESSING AND LEGAL BASIS FOR PROCESSING**

- 5.1 The Company will Process your Personal Information in the ordinary course of the Company's business of contracting for the provision of the Company's products and services related hereto, to you (the "primary purpose"). The Company will primarily use your Personal Information for the primary purpose for which it was originally or primarily collected. The Company will only use your Personal Information for a secondary purpose should such purpose constitute a legitimate interest and be closely related to the original or primary purpose for which the Personal Information was collected. The Company may subject your Personal Information to Processing during the course of various activities, including, without limitation, the following –

- 5.1.1 operating the Company's business;
- 5.1.2 compliance with applicable law and fraud prevention;
- 5.1.3 transfer of information to the Company's Service Providers and/or other third parties;
- 5.1.4 analysing the data in order to learn more about your likely preferences and interests to enhance the content of our website and promotional offerings to you;
- 5.1.5 product research and development;
- 5.2 The Company may process your Personal Information for relationship management and marketing purposes in relation to the Company's services (including, but not limited to, Processing that is necessary for the development and improvement of the Company's products and services), for accounts management, and for marketing activities in order to establish, maintain and/or improve the Company's relationship with you and with its Service Providers. The Company may also analyse your Personal Information for statistical purposes.
- 5.3 The Company may process your Personal Information for internal management and management reporting purposes, including but not limited to, conducting internal audits, conducting internal investigations, implementing internal business controls, providing central processing facilities, for insurance purposes and/or for management reporting analysis.
- 5.4 The Company may Process your Personal Information for safety and security purposes.

## 6 **DISCLOSURE OF INFORMATION TO THIRD PARTIES**

- 6.1 The Company may disclose your Personal Information to its Associates and Service Providers, for legitimate business purposes, in accordance with applicable law and subject to applicable professional and regulatory requirements regarding confidentiality. In addition, the Company may disclose your Personal Information -

- 6.1.1 if required by law;
- 6.1.2 to legal and regulatory authorities, upon request, for the purposes of investigating or reporting any actual or suspected breach of applicable law or regulation;
- 6.1.3 to third party Operators (including, but not limited to, data processors such as providers of data hosting services and document review technology and services), located anywhere in the world, subject to clause 6.2;
- 6.1.4 where it is necessary for the purposes of, or in connection with, actual or threatened legal proceedings or establishment, exercise or defence of legal rights;
- 6.1.5 to any relevant party for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including but not limited to, safeguarding against, and the prevention of threats to public security;
- 6.1.6 to any relevant third party acquirer(s), should the Company sell or transfer all or any portion of its business or assets (including, but not limited to, in the event of a reorganisation, dissolution or liquidation); and/or
- 6.1.7 to any relevant third-party provider, where the Website uses third party advertising, plugins or content.
- 6.2 Should the Company engage a third party Operator to Process any of your Personal Information, the Company recognises that any Operator who is in a foreign country must be subject to a law, binding corporate rules or binding agreements which provide an adequate level of protection similar to POPIA. The Company will review its relationships with Operators it engages and, should any applicable law so require the Company will require such Operators to be bound by contractual obligations to –
  - 6.2.1 only Process such Personal Information in accordance with the Company's prior written instructions; and

- 6.2.2 use appropriate measures to protect the confidentiality and security of such Personal Information.

## 7 **INTERNATIONAL TRANSFER OF PERSONAL INFORMATION**

- 7.1 The Company may transfer your Personal Information to recipients outside of the Republic of South Africa.
- 7.2 Subject to clause 6.2, Personal Information may be transferred outside of the Republic of South Africa provided that the country to which the data is transferred has adopted a law that provides for an adequate level of protection substantially similar to POPIA, the Operator/third party undertakes to protect the Personal Information in line with applicable data protection legislation and the transfer is necessary in order to provide the legal and other related services that are required by the Company's clients.

## 8 **DATA SECURITY**

- 8.1 The Company implements appropriate technical and organisational security measures to protect your Personal Information that is in the Company's possession against accidental or unlawful destruction, loss, alteration, unauthorised disclosure, and/or unauthorised access, in accordance with applicable law.
- 8.2 Where there are reasonable grounds to believe that your Personal Information that is in the Company's possession has been accessed or acquired by any unauthorised person, the Company will notify you as well as the relevant regulator in terms of POPIA, unless a public body responsible for detection, prevention or investigation of offences or the relevant regulator in terms of POPIA informs the Company that notifying you will impede a criminal investigation.
- 8.3 Because the internet is an open system, the transmission of information via the internet is not completely secure. Although the Company will implement all reasonable measures to protect your Personal Information that is in the Company's possession, the Company cannot guarantee the security of any information transmitted using the internet and the Company cannot be held

liable for any loss of privacy occurring during the course of such transmission.

## 9 **DATA ACCURACY**

The Personal Information provided to the Company should be accurate, complete and up to date. Should Personal Information change, the onus is on the person who provided such data to notify the Company of the change and to provide the Company with correct, accurate and current data.

## 10 **DATA MINIMISATION**

The Company will restrict its processing of Personal Information to data which is sufficient for the fulfilment of the primary purpose and any other applicable legitimate purpose for which it was collected.

## 11 **DATA RETENTION**

The Company shall only retain and store Personal Information for the period for which the data is required to serve its primary purpose or for any other legitimate interest or for the period required to comply with an applicable legal requirement, whichever is the longer period.

## 12 **YOUR LEGAL RIGHTS**

12.1 You have the right to –

12.1.1 request that the Company confirms whether it holds any of your Personal Information and to request a copy of the record of Personal Information the Company holds about you. Any request for a copy may be subject to payment of a fee (the amount of which will be notified to you at the time of the request). The Company is entitled to take all reasonable steps to confirm your identity before providing details of your Personal Information and will accordingly require proof of your identity before providing you with such information;

12.1.2 request the Company to update, correct or delete your Personal Information, where such information is inaccurate, irrelevant, excessive, out of date, incomplete misleading or was obtained unlawfully. You may also request the Company to destroy or delete any record of your



personal information which it is no longer authorised to retain in terms of POPIA;

12.1.3 object to the Processing of your Personal Information;

12.1.4 withdraw your consent to the use of your Personal Information;

12.1.5 to lodge a complaint against the Company to the Information Regulator (South Africa) (IRSA), contact details of which are as follows

General Enquiries: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

POPIA Complaints: [POPIAComplaints.IR@justice.gov.za](mailto:POPIAComplaints.IR@justice.gov.za)

PAIA Complaints: [PAIAComplaints.IR@justice.gov.za](mailto:PAIAComplaints.IR@justice.gov.za)

## 13 COOKIES AND SIMILAR TECHNOLOGIES

13.1 When you visit the Website, the Company may collect information about you using technology which is not apparent to you by way of, for example, Cookies. The company may place Cookies on to your device or read Cookies already on your device, subject always to obtaining your consent where required in accordance with applicable law.

13.2 The Company uses Cookies to record information about your device, your browser and, in some cases, your preferences and browsing habits. Cookies may also be used to compile aggregate information about areas of the Website that are visited the most frequently, so as to enhance the content of the Website and make the user experience more friendly. Cookies enable the Company's system to recognise you when you visit the Website and to improve the Company's service to you.

13.3 You can disable the use of Cookies by configuring your browser accordingly.

## 14 DIRECT MARKETING

14.1 The Company may Process your Personal Information for the purposes of providing you with information regarding products and/or services that may be of interest to you. You may unsubscribe for free at any time.

14.2 If you are an existing customer, the Company provides you with the opportunity to opt out of having your Personal Information used for certain purposes. If you no longer wish to receive promotional communications from the Company, you

may opt out communications by following the instructions included in each promotional communication and by updating your registered profile preferences.

## 15 **CONTACT DETAILS**

You may contact the Company for any of the purposes related to this Policy at –

The Information Officer – Colcab Pty Ltd  
Attention: Glen Cameron  
Telephone: 021 907 2800  
Email: [informationofficer@colcabct.co.za](mailto:informationofficer@colcabct.co.za)

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**DEFINITIONS**

**"Associates"** means the Company's shareholders, holding company, subsidiaries and/or the directors, employees and consultants of the Company, its holding company or of any of its subsidiaries.

**"Cookie"** means a small file (alphanumeric identifier) that is transferred to your device when you visit a website. In the Policy, a reference to a "Cookie" includes analogous technologies such as web beacons and clear Graphic Interchange Format files ("GIFs").

**"Operator"** means any person or entity that Processes Personal Information on behalf of the Responsible Party.

**"Person"** means "a natural person or a juristic person.

**"Personal Information"** means information that is about any Person, or from which any Person is directly or indirectly identifiable, in particular by reference to an identifier such as a name, an identification number, a registration number (where it is applicable), location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that Person (where it is applicable).

**"POPIA"** means the Protection of Personal Information Act 4 of 2013, as amended.

**"Process", "Processes", "Processing" or "Processed"** means anything that is done with any Personal Information, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

**"Responsible Party"** means the entity that decides how and why Personal Information is Processed.

**"Sensitive Personal Information"** means Personal Information about race or ethnicity, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health, sexual life, any actual or alleged criminal offences or penalties, national identification number, or any other information that may be deemed to be under applicable law.

**"Service Provider"** means third party providers of various services whom the Company engages, including, but not limited to, providers of information technology, communication, file storage, data storage, copying, printing, accounting or auditing services, counsel, experts, investigators, correspondent attorneys, translators, taxation consultants and/or the Company's' insurers and professional advisors.

**"Website"** means any website operated, or maintained, by the Company or on the Company's behalf at <http://colcab.co.za> or <http://www.colcoil.co.za>