



# SPOTON SYSTEMS (PTY) LTD: DATA PRIVACY POLICY

(EFFECTIVE DATE: 30 JUNE 2021)

## 1. INTRODUCTION

- 1.1. SpotOn Systems (Pty) Ltd. (registration number: 2015/125451/07) ("**SpotOn**" or "**we**") provides compliance management and support services and software ("**Services**") to organisations and businesses. Our principal place of business and registered address is: 18A Ascot Rd, Kenilworth, Cape Town, South Africa, 7708.
- 1.2. This privacy policy tells you ("**you**" or "**Data Subject**") how SpotOn will use, store, process and protect your Personal Information as required by the Protection of Personal Information Act, 2020 ("**POPIA**") and any other applicable data protection legislation.
- 1.3. In this privacy policy "**Personal Information**" means any information of a personal nature by which you can be identified as an individual such as your name, postal address, email address, telephone number, home country, postal code, fax number, gender, age, financial details, and/or where relevant, identifiable information about a juristic person.
- 1.4. We are the "**responsible party**" for purposes of POPIA and other applicable data protection legislation in respect of all Personal Information you submit to us in any visit, correspondence and/or communication with us or via our website (<https://spoton-compliance.com/>), our social media and other related URLs, and/or any ancillary services ("**Platform**").
- 1.5. We recognize the importance of protecting your privacy in respect of Personal Information collected by us.

## 2. INFORMATION WE MAY COLLECT FROM YOU

- 2.1. When you use our Platform or use our Services, contact us or instruct us as a law firm and/or sign our engagement letter, we may obtain information that is not Personal Information, such as your operating system, browser type, and Internet service provider. This type of information does not identify you personally.
- 2.2. When you access our Platform or use our Services, we may also collect Personal Information that you provide to us. More specifically, we may collect, process and store the following information (which may include Personal Information) about you including –
  - 2.2.1. your full name, address and contact details;
  - 2.2.2. information that you provide by filling in forms on the Platform;
  - 2.2.3. information about your device software and hardware, including the unique internet mobile equipment identity, number of your mobile telephone, the unique integrated circuit card

- identity number of your SIM cards in your device, your email address, personal internet protocol ("IP") address, mobile phone number;
- 2.2.4. your geographic location information based on your mobile network operator's tower details, GPS (Global Positioning System) and/or WIFI communications network location;
- 2.2.5. the date and time, country and the IP address of the device from which you connect to our Platform;
- 2.2.6. information that we may ask you for if you report a problem with our Platform; and
- 2.2.7. details of your visits to our Platform (including, but not limited to, traffic data, location data, weblogs and other communication data and the resources that you access).
- 2.3. We may also collect information including Personal Information in other ways including through carrying out demographic research.
- 2.4. We may ask you to complete surveys that we use for research and forecasting purposes, although you do not have to respond to them.
- 2.5. We may also collect information (which may include Personal Information) that our users provide when accessing our Platform such as new or deleted comments or keyword searches on our Platform and when utilising our Services.
- 2.6. The supply of your Personal Information is voluntary; however, you acknowledge that we cannot make certain Services available to you if you do not wish to supply the Personal Information.
- 2.7. We may use a third-party companies to monitor website traffic, which may, in some instances, store your information, including the Personal Information you submit to such third parties.
- 2.8. BY CONTINUING TO USE OUR PLATFORM, YOU CONSENT TO THE PROCESSING, COLLECTION, STORAGE, RETENTION AND USE OF THE PERSONAL INFORMATION YOU PROVIDE FOR THE PURPOSES SET OUT IN THIS PRIVACY POLICY, AND YOU CONSENT TO OUR COLLECTION OF ANY CHANGES OR UPDATES THAT YOU MAY PROVIDE TO ANY INFORMATION YOU PROVIDE THAT IS COLLECTED BY US. IF YOU DO NOT AGREE TO THE PRIVACY POLICY, PLEASE DO NOT USE THE PLATFORM.
- 2.9. Where you provide us with Personal Information relating to a third-party data subject (for example, your customers or employees), you warrant that you have obtained all necessary consents from such data subject, including the data subject's consent for you to share such Personal Information with SpotOn. We will protect, store and process this Personal Information in the same manner and with an equal level of security as Personal Information about you.
- 2.10. We collect Personal Information directly from you unless an exception is applicable (such as, for example, where you have made the Personal Information public and/or it is from or derived from a public record. Where we obtain Personal Information from third parties, we will only do so on the basis of a lawful ground for processing set out in POPIA.

### **3. HOW YOUR INFORMATION IS USED AND DISCLOSED**

- 3.1. We may use the information, including the Personal Information we hold about you for the following purposes –

- 3.1.1. to carry out the terms of any agreement with you including but not limited to an agreement to provide the Services to you in terms of our letter of engagement;
  - 3.1.2. to comply with any law applicable to our business as a law firm;
  - 3.1.3. to verify and keep a record of your identity;
  - 3.1.4. to ensure that content from our Platform is presented in the most effective manner for you and for your computer and/or mobile device;
  - 3.1.5. to monitor and analyse the conduct on the Platform to ensure compliance with laws, reduce the likelihood of fraud and other risk-prevention purposes;
  - 3.1.6. in aggregate form, for internal business purposes such as generating statistics and developing our strategic and marketing plans;
  - 3.1.7. to provide you with information on our Platform and in relation to our Services that you request from us or to contact you with a proposal where you have consented to be contacted for such purposes;
  - 3.1.8. to carry out statistical and marketing research to identify potential markets and trends;
  - 3.1.9. to allow you to participate in interactive features on our Platform, when you choose to do so;
  - 3.1.10. to respond to any queries, you make.
- 3.2. We may use information provided by you to –
- 3.2.1. enforce agreements and terms and conditions between us, monitor user activity, such as keyword searches or new postings, and more effectively manage traffic on the Platform;
  - 3.2.2. provide our Services; and
  - 3.2.3. assist you with technical difficulties.
- 3.3. We will be entitled to disclose your Personal Information to our agents, advisors, employees and/or third-party service providers and suppliers who assist us with our Services and in order to interact with you via our Platform, mobile communications and/or email, and thus need to know your Personal Information in order to assist us and to communicate with you properly and efficiently. We will ensure that all such employees and/or third-party service providers having access to your Personal Information are bound by appropriate and legally binding confidentiality and non-use obligations in relation to your Personal Information.
- 3.4. We will only transfer data overseas (including on servers outside of South Africa) where we are satisfied that adequate levels of protection are in place to protect any information held in that country and where we and any third-party service providers act at all times in compliance with applicable privacy laws.

#### **4. LAWFUL PROCESSING OF PERSONAL INFORMATION**

- 4.1. We will only process your Personal Information where –

- 4.1.1. your consent is obtained (or if the Data Subject is a child, the consent of a competent person);
  - 4.1.2. the processing is necessary to carry out the actions for conclusion of a contract to which a Data Subject is party;
  - 4.1.3. processing complies with an obligation imposed by law on us and/or by a regulator;
  - 4.1.4. processing protects a legitimate interest of you; or
  - 4.1.5. processing is necessary for pursuing the legitimate interests of us or of a third party to whom the information is supplied.
- 4.2. We will only process Personal Information where one of the legal bases referred to in paragraph 4.1 above is present.
- 4.3. We will make the manner and reason for which the Personal Information will be processed clear to you.
- 4.4. If we rely on a Data Subject's consent as the legal basis for processing Personal Information, the Data Subject may withdraw their consent or may object to our processing of the Personal Information at any time. This will not affect the lawfulness of any processing carried out prior to the withdrawal of consent.
- 4.5. If the consent is withdrawn or if there is otherwise a justified objection against the use or the processing of such Personal Information, we will ensure that the Personal Information is no longer processed unless there is another lawful ground for processing such Personal Information.

## **5. PROTECTION OF YOUR PERSONAL INFORMATION**

- 5.1. As a law firm, we recognize that protecting your privacy is important to you. For this reason, we are committed to protecting the Personal Information you provide in a variety of ways.
- 5.2. We will –
- 5.2.1. treat your Personal Information as strictly confidential whether or not it is legally privileged;
  - 5.2.2. take appropriate technical and organisational measures to ensure that your Personal Information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration, disclosure or access;
  - 5.2.3. where applicable and required by law, promptly notify you if we become aware of any unauthorised use, disclosure or processing of your Personal Information;
  - 5.2.4. provide you with reasonable evidence of our compliance with our obligations under this privacy policy on reasonable notice and request; and
  - 5.2.5. at your request, promptly return or destroy any and all of your Personal Information in our possession or control unless we have another lawful basis for the continued processing such Personal Information.

- 5.3. We will not retain your Personal Information longer than the period for which it was originally needed, unless we are required by law to do so, or you consent to us retaining the information for a longer period.
- 5.4. We will do our best to protect your Personal Information, and we will use technology that will help us to do this. However, the transmission of information especially via the internet is not completely secure and we cannot guarantee the security of your information transmitted to our Platform and in relation to our Services. Any transmission of your information to our Platform and in relation to our Services is entirely at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access.

## 6. SPECIAL PERSONAL INFORMATION AND INFORMATION ABOUT CHILDREN

- 6.1. **“Special Personal Information”** means Personal Information concerning a Data Subject’s religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sexual life, sexual orientation, genetic information, biometric information or criminal behaviour.
- 6.2. SpotOn acknowledges that it will generally not process Special Personal Information and Personal Information about children unless:
  - 6.2.1. processing is carried out in accordance with the Data Subject’s explicit consent and the competent person for Personal Information about a child;
  - 6.2.2. information has been deliberately made public by the Data Subject and/or the competent person for Personal Information about a child;
  - 6.2.3. processing is necessary for the establishment, exercise or defence of a right or legal claim or obligation in law);
  - 6.2.4. processing is for historical, statistical or research purposes, subject to stipulated safeguards;
  - 6.2.5. where specific authorisation has been obtained in terms of POPIA; or
  - 6.2.6. otherwise authorised by applicable laws.

## 7. PERSONAL INFORMATION FOR DIRECT MARKETING PURPOSES

- 7.1. SpotOn 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 by POPIA and other relevant legislation.
- 7.2. We may use Personal Information to contact any Data Subject and/or market the Services directly to the Data Subject if the Data Subject is one of SpotOn’s existing clients, the Data Subject has requested to receive marketing material from SpotOn or the Data Subject’s consent to the marketing of the Services directly to the Data Subject.
- 7.3. We 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, We shall do so. We encourage that such requests to opt-out of marketing be made by emailing us on [info@greencounsel.co.za](mailto:info@greencounsel.co.za).

## 8. COOKIES AND OTHER INFORMATION

- 8.1. We may collect information about your computer including where available, your operating system, browser type, third-party software installed on your device, installation and uninstallation rates, the language of your device and computers manufacturer, screen size and model of the device and any other technical information for system administration. This is statistical data about our users' browsing actions and patterns and does not identify any individual.
- 8.2. “**Cookies**” are small text files transferred by a web server to your hard drive and thereafter stored on your computer. The types of information a Cookie collects include the date and time you visited the Platform, your browsing history, your preferences, and your username.
- 8.3. We may use cookies to manage your Platform sessions and to store preferences, tracking information and language selection.
- 8.4. Cookies enable us –
  - 8.4.1. to estimate our Platform's audience size and usage pattern;
  - 8.4.2. to store information about your preferences, which allows us to customize the Platform according to your individual interests;
  - 8.4.3. to speed up your searches; and
  - 8.4.4. to recognise you when you return to the Platform.
- 8.5. In some instances, our third-party service providers may use Cookies on the Platform. We cannot control, or access Cookies used by third-party service providers. This privacy policy covers only Cookies used by us and not any Cookies used by third parties.
- 8.6. You have the ability to either accept or decline the use of Cookies on your computer, whether you are registered with us or not. You can configure your browser to not accept Cookies. However, declining the use of Cookies may limit your access to certain features of the Platform.

## 9. THIRD PARTIES

- 9.1. We may use third-party service providers to monitor our users' interests. In addition, the Platform may occasionally contain links to third-party websites. If you click on the links to third-party websites, you leave the Platform.
- 9.2. We are not responsible for the content of these third-party websites or for the security of your Personal Information when you use these third-party websites. These third-party service providers and third-party websites may have their own privacy policies governing the storage and retention of your Personal Information that you may be subject to. They may also collect information that is not Personal Information such as your browser specification, or operating system.
- 9.3. This privacy policy does not govern Personal Information provided to, stored on, or used by these third-party providers and third-party websites. We recommend that when you enter a third party's website, you review its privacy policy as it relates to how such third parties collect, process, store and protect your Personal Information.

- 9.4. You agree that we are not liable for any of the following –
- 9.4.1. the content, security, operation, use, accuracy or completeness of any such third-party websites; or the products or services that may be offered or obtained through them; or the accuracy, completeness, or reliability of any information obtained from a third-party website;
  - 9.4.2. the ownership or right of use of any licensor of any software provided through any third-party website;
  - 9.4.3. any content featured on a third-party website that is accessed through the links found on the Platform; and/or
  - 9.4.4. any failure or problem that affects the products or services of a third-party website, for example, any telecommunication service provider, internet service provider, electricity supplier, local or other authority.

## **10. NOTIFICATION OF CHANGES**

- 10.1. We reserve the right to change this privacy policy from time to time, and at our sole discretion. We may send you a notice regarding material changes to this privacy policy, but we encourage you to check this privacy policy regularly for any changes. If you provide us with Personal Information and/or continue to use our Platform and/or Services after any change in this privacy policy, you will be deemed to have accepted those changes.
- 10.2. We may also send you any legally required notifications and other notifications, including but not limited to, service-related notices (for example, we may send you a notice regarding server problems or data breaches or scheduled maintenance to the Platform).

## **11. GENERAL**

- 11.1. If you provide information to SpotOn, you:
  - 11.1.1. warrant that all information (including Personal Information) that you provide to us is accurate, truthful and current information;
  - 11.1.2. undertake not to impersonate or misrepresent any person or entity or falsely state or otherwise misrepresent your affiliation with anyone or anything; and
  - 11.1.3. acknowledge that we may verify your identity and your Personal Information through an automated email verification process and/or with third-party service providers.
- 11.2. To the extent that this privacy policy or any provision in this privacy policy is regulated by or subject to the POPIA or other data protection legislation, it is not intended that any provision of this privacy policy contravenes any provision of POPIA or other data protection legislation. Therefore, all provisions of this privacy policy must be interpreted as being qualified, to the extent necessary, to ensure that the provisions of POPIA or other data protection legislation are complied with.

## **12. CONTACT DETAILS, OBJECTIONS AND COMPLAINTS**

- 12.1. Our information officer is Hercules Wessels.

- 12.2. You have the right to request to access, review, correct or deletion of Personal Information that you have provided to us, or to object to our use of your Personal Information. You can do so by emailing our information officer at [info@greencounsel.co.za](mailto:info@greencounsel.co.za).
- 12.3. You also have the right to lodge a complaint with the Information Regulator (<https://www.justice.gov.za/infoereg/>) if you think we are in breach of any applicable data protection legislation including POPIA. The Information Regulator's address is: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001 and its email address is [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za).

A handwritten signature in black ink that reads "C. P. Cullinan". The signature is written in a cursive style with a horizontal line underneath the name.

C. P. Cullinan (director)