

**POLICY ON  
THE PROTECTION AND PROCESSING OF INFORMATION  
OF  
AFRICA AUTOMOTIVE HOLDINGS (Pty) Ltd  
REGISTRATION NUMBER: (2023/277064/07)**

**Prepared in accordance with the provisions of the Protection of Personal  
Information Act 4 of 2013 (“POPIA”)**

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## 1. INTRODUCTION

The Company is an automotive brand that is committed to protecting the personal information relating to its clients, staff and/or Company information in compliance with the Protection of Personal Information Act, 2013 (“POPIA”) and ensuring that legislative compliance (POPI and PAIA Acts) in respect of all personal information that the Company collects and processes. This policy outlines our approach to collecting, processing, accessing, storing and sharing of personal information. The Protection of Personal Information Act, 2013 (“POPIA”) provides for 8 Data protection Information principles to apply to ensure the protection of all data that relates to companies, staff and Clients.

## 2. DEFINITIONS

- 2.1. **“Business”** means the business of the AFRICA AUTOMOTIVE HOLDINGS (PTY) LTD, which involves all operations of AFRICA AUTOMOTIVE HOLDINGS (PTY) LTD, and which includes all matters reasonably connected thereto;
- 2.2. **“Biometric Information”** means the physical, physiological or behavioural identification, including finger printing, amongst others;
- 2.3. **“The Company”** means **AFRICA AUTOMOTIVE HOLDINGS (PTY) LTD, Registration Number 2023/277064/07** a company duly registered and incorporated in accordance with the company Laws of the Republic of South Africa;
- 2.4. **“Data Subject”** means the person whose personal information is processed for example at the Company is but not limited to HR, Administration, Finance and Accounting, Insurance, Information Technology, Customers’ information, Assets;
- 2.5. **“Information”** means any Data relating to the Data Subject and include reference to personal information as defined in POPIA;
- 2.6. **“Information Officer”** means the person described in Clause 12.4;
- 2.7. **“Information Regulator”** means the person described in Clause 12.5;
- 2.8. **“Operator”** means a Person who Processes Information on behalf of the Company in terms of a contract or mandate, without coming under the direct authority of the Company and may include, without limitation, the Company’s attorneys, auditors and its related and/or inter-related companies as that term is defined in Section 2 of the Companies Act, No. 71 of 2008;
- 2.9. **“Person”** means a person defined in POPIA, and **“Persons”** will have a corresponding meaning;
- 2.10. **“Personal Information”** means information relating to an identifiable person, as defined in section 1 of POPIA;
- 2.11. **“POPIA”** means the Protection of Personal Information Act No. 4 of 2013;
- 2.12. **“POPIA Policy”** means such policy as adopted by the Company in compliance with the provisions of POPIA, and as amended from time to time;
- 2.13. **“Process” and “Processing”** means anything that is done by the Company in relation to its Data Subject’s Information, whether or not by automated means, including the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation, use, dissemination, distribution, merging, linking, restriction, degradation, erasure and/or destruction of Information; and

- 2.14. **“Special Personal Information”** means Personal Information as referred to in Section 26 of POPIA.

### **3. BACKGROUND OF POPIA**

POPIA is South Africa’s primary data protection law. The purpose of POPIA is to promote the protection of Information that is Processed by any Person, by prescribing certain minimum requirements for the Processing of Information. These minimum requirements must be met in order for a Person to Process Information and include those requirements set forth in clause 4 of this Policy. It is the policy of the Company that it will comply with the requirements.

### **4. POLICY STATEMENT**

- 4.1. The Company is committed, in line with the Protection of Personal Information Act No. 4 of 2013 (“POPI”), to protecting personal information of its employees, staff, clients, service providers and other data subjects including members of the public with whom the Company interacts with from time to time. As such, it is obliged to comply with the Protection of Personal Information Act No. 4 of 2013 (“POPI”) as well as the Promotion of Access to Information Act No. 2 of 2000 (“PAIA”).
- 4.2. Personal information is information that personally identifies you (e.g. telephone number, name, address, transaction history, insurance details etc.) (“Personal Information”) but depending on the purpose for which it is required, may include more sensitive information, such as biometrical information and financial information. At the Company we ensure that your personal information is used appropriately, transparently, securely and in accordance with applicable laws.
- 4.3. This Policy sets out the manner in which the Company deals with such personal information and provides clarity on the general purpose for which the information is used, as well as how data subjects can participate in this process in relation to their personal information.
- 4.4. In addition to this policy, the Company has also developed a manual and made it available as prescribed under the PAIA Act. Where parties/requesters submit requests for information disclosure in terms of this manual, internal measures have been developed together with adequate systems to process requests for information or access thereto.

### **5. PURPOSE OF THE POLICY**

- 5.1. From time to time in the conduct of its Business, the Company will come into possession of and will concomitantly Process the Information of its Data Subjects.
- 5.2. The purpose of this Policy is to record how the Company will Process the Information of its Data Subjects and, in doing so, comply with the Act.

## **6. THE 8 PRINCIPLES OF POPIA**

Being fully compliant with Protection of Personal Information Act no. 4 of 2013 (POPIA) there are 8 Principles defined within the Act which must be addressed to be compliant. These are well-accepted attributes which are adopted throughout South Africa as the guidelines for a successful POPIA implementation.

### **6.1. Principle 1: Accountability**

The Company must appoint an Information Officer who will be responsible for ensuring that the information protection principles within POPIA and the controls that are in place to enforce them are complied with in the Company.

### **6.2. Principle 2: Processing Limitation**

Only necessary Information should be collected directly from the person to whom the Personal Information relates and with their consent and the processing should be for a lawful purpose.

### **6.3. Principle 3: Purpose Specification**

The third principle provides that personal information must be collected for a specific purpose and the data subject must be made aware of the purpose for which the personal information was collected.

### **6.4. Principle 4: Further processing limitation**

Further processing of Personal Information must be compatible with the purpose for which the information was collected in principle 3.

### **6.5. Principle 5: Information quality**

Reasonable steps must be taken to ensure that the personal information that has been collected is complete, accurate, not misleading and up to date. In so doing, the responsible party must take into consideration the purpose for which the personal information was collected.

### **6.6. Principle 6: Openness**

The Party collecting the Information must be transparent and inform the applicable regulator if it is going to process the Information and ensure that the Data Subject has been made aware that his/her Information is going to be collected.

### **6.7. Principle 7: Security Safeguards**

The responsible party must ensure that the integrity of the personal information in its control is secured through technical and organisational measures.

### **6.8. Principle 8: Data Subject Participation**

Data subjects have the right to request that the responsible party confirm (free of charge) whether it holds personal information about the data subject, and he or she may also request a description of such information.

## **7. COLLECTION OF PERSONAL INFORMATION**

Depending on the circumstances, the Company may typically collect and process, but not necessarily limited to, the following Personal Information about you and/or a legal entity:

- 7.1. Your name and contact information, including your email address, telephone number, physical address, postal address and other location information, erf number;
- 7.2. Your date of birth, age, gender, race, nationality, title and language preferences;
- 7.3. Your identity number, passport number and photograph;
- 7.4. Your vehicle registration number, vehicle license and driving license;
- 7.5. Your biometric information, including but not limited to, if applicable, that information obtained from your fingerprints, hands, facial recognition and/or retinal scanning;
- 7.6. Your verified banking details;
- 7.7. Company Registration Number;
- 7.8. Full name of the legal entity;
- 7.9. Your TAX or VAT number;
- 7.10. Your employment details;
- 7.11. Insurance details;
- 7.12. Operational information;
- 7.13. Correspondence from you of a private or confidential nature;
- 7.14. Your Assets e.g. fixes assets register, leases and equipment details;
- 7.15. Details of the person responsible for the client's/supplier's account;
- 7.16. Trade union membership and political persuasion;
- 7.17. such other personal information as is reasonably required by us to engage with you and/or provide services to you;
  
- 7.18. The Company may collect or obtain Personal Information about you in various ways, including, but not necessarily limited to:
  - 7.18.1. from you directly;
  - 7.18.2. during the course of our interactions with you;
  - 7.18.3. when you visit the Company;
  - 7.18.4. when you visit and/or interact with our website or any other social media platforms or IT services;
  - 7.18.5. from publicly available sources;
  - 7.18.6. From a third party who is authorised to share that information;
  - 7.18.7. via a mobile or other software app developed for the business;
  - 7.18.8. optional information that you voluntarily provide to us.
  
- 7.19. The collection of Information from a source other than the Data Subject would not prejudice a legitimate interest of the Data Subject, is necessary to maintain or comply with an obligation imposed on the Company by law or to maintain the legitimate interests of the business/company;
  
- 7.20. Whenever possible, the Company will inform the relevant party of the information required (mandatory) and which information is deemed optional;

- 7.21. The employee, service provider or client or data subject will be informed of the consequence/s of failing to provide such personal information and any prejudice which may be incurred due to non-disclosure;
- 7.22. Where consent is required for the processing of information, such consent will be obtained;
- 7.23. The Company shall not process special personal information without complying with the specific provisions of the POPI Act;
- 7.24. For the purposes of this Policy, clients include potential, past and existing clients. Suppliers include all vendors which contract with the Company, whether once off or recurring, in respect of products and services;
- 7.25. The Company may also disclose employees' or clients/suppliers' information where there is a duty or a right to disclose in terms of applicable legislation, the law or where it may be necessary to protect the rights of the organisation, or it is in the interests of the data subject;
- 7.26. The Company may share employees' and clients/suppliers' personal information with authorised third parties as well as obtain information from such third parties for reasons set out above.

## **8. HOW AND WHY WE PROCESS YOUR PERSONAL INFORMATION**

- 8.1. The personal information we may collect and why and how we use it depends on our relationship with you.
- 8.2. POPIA requires that personal information "is collected for a specific, explicitly defined and lawful purpose related to a function or activity of the responsible party."
- 8.3. Further, POPIA provides that personal information may only be processed if:
  - 8.3.1. the data subject or a competent person where the data subject is a child consents to the processing;
  - 8.3.2. processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party;
  - 8.3.3. processing complies with an obligation imposed by law on the responsible party;
  - 8.3.4. processing protects a legitimate interest of the data subject;
  - 8.3.5. processing is necessary for the proper performance of a public law duty by a public body; or
  - 8.3.6. processing is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied.

- 8.4. We may collect other personal information from time to time where you provide it to us, as necessary for our business requirements, or in order to comply with applicable laws.

Where it is lawful and practicable for us to allow it, you have the right not to identify yourself when dealing with us. However, if you don't provide us with your personal information, it may impact our ability to engage with you and/or provide services to you.

## **9. WHO WE SHARE YOUR PERSONAL INFORMATION WITH**

Depending on the circumstances, we may disclose your personal information to the following categories of persons:

- 9.1. Professional advisors and consultants of the Company or other third parties who help us deliver our services;
- 9.2. Information Technology and other service providers who help us manage or store the personal information;
- 9.3. Government and law enforcement authorities;
- 9.4. Financial institutions;
- 9.5. Other third parties where disclosure is required by law or otherwise required for us to perform our obligations and provide our services; and
- 9.6. To any other person with your consent to the disclosure.
- 9.7. If the Company is of the good-faith belief that such action is necessary to:
  - 9.7.1. disclose your Personal Information if required to do so by law or in the conform to the edicts of the law or comply with legal processes served on the Company;
  - 9.7.2. protect and defend the rights or property of the Company and its website; or act in urgent circumstances to protect the personal safety of the Company employees, users of our products or services or members of the public;
  - 9.7.3. take reasonable steps to protect the confidentiality and security of your personal information when it is disclosed to a third party and seek to ensure the third-party deals with your information in accordance with our instructions, applicable privacy laws, and only for the purpose for which it is disclosed.
  - 9.7.4. will not share that Personal Information with third parties without your permission, other than for the limited exceptions already listed, and will only be used for the purposes stated above when you register on our website, or otherwise give us Personal Information.
  - 9.7.5. send out periodic e-mails informing you of technical service or security issues related to a product or service you requested or confirming that you requested a product or service. You will not be able to choose to unsubscribe to these mailings, as they are considered an essential part of the service you have chosen.

## **10. ACCESS TO INFORMATION**

- 10.1. Data Subjects have the right to request a copy of the Information that the Company hold on them or their business/company. If a Data Subject wishes to obtain any such information, you/they/it may request it by contacting the Information Officer on the



details provided below which shall be payable per each page A4-size photocopy made.

- 10.2. The Company will not disclose or share Information relating to any Data Subject unless it is specifically agreed with the Data Subject; it is already publicly available or in the interests of the public; required in terms of Law or if the Company believes in good faith that the Law requires disclosure thereof.
- 10.3. The Company's PAIA Manual (in terms of the Promotion of Access to Information Act, 2 of 2000 as amended) sets out the process for access by third parties to a Data Subject's Information kept by the Company, and the instances in which it may be refused.

## **11. CROSS BORDER TRANSFERS OF PERSONAL INFORMATION**

- 11.1. The Company will not transfer personal information about a data subject to a third party who is in a foreign country unless one or more of the following apply:
  - a) the third party is subject to a law, binding corporate rules or a binding agreement which provides an adequate level of protection of personal information and effectively upholds principles for reasonable processing of the information;
  - b) the data subject consents to the transfer;
  - c) the transfer is necessary for the performance of a contract between the data subject and the Company;
  - d) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the Company and a third party; or
  - e) the transfer is for the benefit of the data subject, and it is not reasonably practicable to obtain the consent of the data subject to that transfer and if it were reasonably practicable to obtain such consent, the data subject would be likely to give it.
- 11.2. When the Company transmits Personal Information to a foreign country, we will take appropriate safeguards to protect your Personal Information to ensure that the recipient will handle the information in a manner consistent with this policy and the level of protection provided for in the POPI Act.

## **12. SAFEGUARDING OF PERSONAL INFORMATION AND CONSENT**

- 12.1. The Company is required to store, retain and secure the integrity and confidentiality of its Data Subjects' Information by taking appropriate, reasonable technical and organisational measures to prevent the loss, damage or unauthorised destruction of their Information and to prevent any person from unlawfully accessing their Information and to ensure protection of information against loss, misuse or

unauthorised access, disclosure, alteration or destruction of the information provided by the Data Subject or you're the Data Subjects' employer.

- 12.2. Data transmission across the internet is inherently insecure and therefore, although the Company strives to use commercially acceptable means to protect your Personal Information, we cannot guarantee that your Personal Information will always remain private.
- 12.3. The Company shall review its security controls and processes on a regular basis to ensure that personal information is secure.
- 12.4. The Company shall appoint an Information Officer and who is/are responsible for compliance with the conditions of the lawful processing of personal information and other provisions of POPIA:

**Information Officer details**

<b>Contact Person:</b>	Bevan Nel
<b>Physical address:</b>	Block A Infinity Business Park 4 Pieter Wenning Road Fourways Gauteng
<b>Postal address:</b>	P O Box 5042 Dainfern North Johannesburg Gauteng 2055
<b>Telephone number:</b>	0100060449
<b>Email address:</b>	compliance@ldvauto.co.za
<b>Website:</b>	www.ldvauto.co.za

- 12.5. In the event that any of the Company's Data Subjects have any queries or concerns that cannot be addressed by the Information Officer, the Data Subject has the right to contact the Information Regulator. The Information Regulator's details are as follows:

## **Information Regulator**

<b>Physical Address:</b>	JD House, 27 Stiemens Street Braamfontein, Johannesburg 2001
<b>Telephone Number:</b>	010 023 52400
<b>E-Mail (general):</b>	Enquiries@inforegulator.org.za
<b>Email (complaints):</b>	POPIAcomplaints@inforegulator.org.za
<b>Web Site:</b>	www.inforegulator.org.za

### **13. DIRECT MARKETING**

The Company shall ensure that:

- 13.1 It does not process any personal information for the purpose of direct marketing (by means of any form of electronic communication, including automatic calling machines, SMS's or e-mail) unless the data subject has given his, her or its consent to the processing or is an existing customer.

### **14. SURVEILLANCE SYSTEMS**

Video footage and/or voice/telephone calls that have been recorded, processed and stored via CCTV camera or other surveillance systems constitute personal information. As such the Company will make all employees, members, clients or data subjects aware as to the use of CCTV/other surveillance on the premises and/or given address.

### **15. SECURITY BREACHES**

Should the Company detect a security breach on any of its systems that contain personal information, it shall take the required steps to assess the nature and extent of the breach in order to ascertain if any information has been compromised.

The Company shall notify the affected parties should it have reason to believe that their information has been compromised. Such notification shall only be made where the organisation can identify the data subject to which the information relates.

## **16. CORRECTION/AMEND/DELETION OF PERSONAL INFORMATION**

Data Subjects are required to inform the Company should there be any changes to the Information kept by the Company. A Data Subject may request the Company to correct, amend, update or delete its Information at any time when applying or making use of any financial products or services of the Company, by contacting the Information Officer at the contact details provided above. The Company will take all reasonable steps to confirm the Data Subject's identity before making changes to Information.

## **17. DISCLOSURE OF INFORMATION TO THIRD PARTIES**

17.1 The Company will not hold its Data Subjects' Information as its own and will make no claim to ownership thereof, unless a Data Subject agrees otherwise. We will only disclose its Data Subjects' Information to those of its employees and officers who need to know for the purpose described above and will not disclose Information to any third party unless the consent of the applicable Data Subject to do so has been obtained.

17.2 Notwithstanding the provisions of clause 17.1 of this Policy, the Company may disclose its Data Subjects' Information without first obtaining consent:

17.2.1 if the Company deems it appropriate to disclose that Information to an Operator for the purpose set out in clause 5 of this Policy; and/or

17.2.2. if the Company is required by any applicable law or any applicable regulator to disclose that Information will not hold its Data Subjects' Information as its own and will make no claim to ownership thereof, unless a Data Subject agrees otherwise.

## **18. RETENTION OF RECORDS**

The Company is obligated to retain certain information, as prescribed by law for purposes of reporting, administration, monitoring its website or to communicate with Data Subjects. Information may be retained only to serve the purpose of collecting the Information and be deleted/destroyed once the purpose has been fulfilled, subject to other regulatory requirements where Information is to be kept for a specific prescribed period.

In the application of this Policy, we will nevertheless continue to consider any implications in the processing of Personal Information.

## **19. ACCURACY**

19.1. The Company will endeavour to keep Personal Information accurate, complete, and up to date as may be required for its use and the Company may accordingly from time to time request you to update your Personal Information. If at any time there is a reason to believe that Personal Information residing with the Company is incorrect, the data

subject should inform the Company in this regard. The Company shall correct the erroneous information as quickly as possible

## **20. AWARENESS AND CONSENT**

20.1. The Company is required to ensure that its Data Subjects are aware of the purpose for which their Information is being processed, the manner in which it will be processed and their rights in respect thereof. The Company will do this by:

- a) making a copy of this Policy available for inspection at its principal place of business at **BLOCK A, INFINITY BUSINESS PARK, 4 PIETER WENNING ROAD, FOURWAYS, GAUTENG, 2191** during normal business hours;
- b) using bona fide endeavours to communicate the existence of this Policy to those of its Data Subjects whose Information the Company has Processed prior to the date referred to in Section 114(1) of POPIA;
- c) any person/s upon request and upon payment of a reasonable prescribed fee; and
- d) incorporating this Policy by reference into, inter alia, the following documents:
  - 1. employment agreements;
  - 2. standard terms and conditions of trading;
  - 3. offer to purchase contracts;
  - 4. contractual and legal agreements;
  - 5. Health and Safety Records; and
  - 6. any other contracts or agreements that the Company may enter into with its Data Subjects.

20.2. The Company will, where it is necessary or appropriate to do so, obtain the written consent of its Data Subjects to Process their Information in accordance with POPIA, inter alia, by:

- a) requesting its Data Subjects to consent to the Processing by the Company of their Information;
- b) requiring applicable Data Subjects to sign any one or more of the documents contemplated in this Policy; and
- c) the Company will catalogue and store the record of consents that it obtains from its Data Subjects.

## **21. USE OF COOKIES**

- 21.1. When someone visits the Company website, a cookie may be placed on the visitor's machine (if the visitor accepts cookies) or is read if the visitor has visited the site previously. The use of cookies is to assist in the collection of the site visitation statistics described above.
- 21.2. The Company may also use cookies to collect information on which newsletter links are selected by visitors. This information is used to ensure that we are sending information which users want to read. It is collected in aggregate form and never linked with your Personal Information, unless with your prior consent.
- 21.3. Web beacons, also known as clear gif technology, or action tags, may be used to assist in delivering the cookies on our site. This technology tells us how many visitors selected key elements (such as links or graphics) on the Company's website. We do not use this technology to access your personally identifiable information on our website. It is merely a tool we use to compile aggregated statistics about the Company's website usage. We may share aggregated site statistics with partner companies, but do not allow other companies to place clear gifs on our website.
- 21.4. If you choose to not have your browser, accept cookies from the Company's website, you will be able to view the text on the screens, however you will not experience a personalised visit nor will you be able to subscribe to the service offerings on the site.

## **22. STATUS OF POLICY**

This Policy has been adopted by and will apply to the Company.

## **23. AMENDMENTS OF POLICY**

Amendments and updates to this Policy will take place from time to time subject to the discretion of the Company and pursuant to any changes in the law. Such changes will be brought to the attention of employees, members and clients where it affects them.

## **24. REQUEST FOR INFORMATION**

In terms of requests to be processed under the POPIA, kindly contact the information officer listed above to provide the relevant form for completion.

## **25. YOUR RIGHTS**

- 25.1. You have the right to request, from us, a description and/or record of your Personal Information that we hold. Depending on the format required, provision of this information may be subject to the payment of a reasonable administrative fee to be determined by the Company and the supply of appropriate evidence of your identity.
- 25.2. If you wish to update your Personal Information or if you want us to delete your Personal Information entirely, please send us a written request to addressee as set out above,

or in the Contact Us section of our website along with your full contact details. Please note that we will not delete Personal Information that we are required to retain for our business operations or for legal compliance.

25.3. You may be given the option to “opt out” of receiving any direct marketing from us by clicking on the “unsubscribe” link, failing which we can direct such request to the Information Officer at the contact details provided above.

25.4. If a data subject does not wish to provide consent for usage of its Personal Information or later withdraws the consent, the Company shall have the right not to provide services or to withdraw the services for which the information was sought from the data subject.

25.5. Should you believe that we have not complied with the POPI Act in the processing of your Personal Information, you have the right to contact the Information Regulator in this regard. The Information Regulator can be contacted by email: [Enquiries@infoeregulator.org.za/POPIAComplaints@infoeregulator.org.za](mailto:Enquiries@infoeregulator.org.za/POPIAComplaints@infoeregulator.org.za) or by telephone: 010 023 5241/42.

You may at any time object to the processing of your Personal Information by submitting such objection to the Information Officer at the contact details provided above. The same applies to the exercising of any of your other rights and the submitting of any queries regarding the Personal Information that we hold about you.

## **26. THIRD PARTY WEBSITES**

26.1. The Company may permit third parties to link to this website or to post a link to their website on ours. Unless expressly stated otherwise, we have no control over and accept no responsibility for the privacy practices of any third-party websites to which links may have been provided and we recommend that you review the privacy policy of any website you visit before using that website. This privacy policy applies only to our website.



Any requests and/ or advice can be directed to the Information Officer set out in this policy and in the Section 51 PAIA manual.