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Policy: Website Privacy and Cookie Policy - South Africa

Version: POPI002.1

Date Created: December 08, 2022

Date Revised: December 08, 2022

Owner: HR Manager, Vistex Africa

Approved By: Associate General Counsel & Assistant Secretary, Legal Vistex Head Office

Website Privacy and Cookie Policy

Introduction

Vistex, Inc. and Vistex Africa (Pty) Ltd. (“Vistex”, “we”, “us”, “our”) takes privacy of its employees, job applicants, and customers very seriously. This privacy policy describes how and why we obtain, store and process data which may identify you. This privacy policy is applicable to every employee and any visitor to www.vistex.com, <https://academy.vistex.com/learn>, or other Vistex websites (“Site” or “Website”).

Information Collection

Vistex may collect personal information from you when you use the Site, including without limitation when you register with the Site for promotions, rewards, sweepstakes, mailing lists, online surveys, seminars, training or when you voluntarily submit personal information to Vistex for any other reason. Personal information is any information that may be used to identify an individual, which may include full name, e-mail address, postal address, phone number, job title, and name of company/organization.

Vistex does not automatically collect personal information. Except as otherwise set forth in this policy, when personal information is collected or requested, you will be informed of the purpose for the request. When and where applicable, we will provide you with the opportunity to opt-in, where we will require your affirmative consent before we use your information for purposes other than the purpose for which it was submitted.

The Protection of Personal Information Act, 2013 (“POPI”) came into complete commencement on 1 July 2021, in this regard we have a number of obligations and duties in terms of POPI that we must comply with. In addition to this document serving as our privacy policy, this document will also serve as our data subject notification as contemplated in section 18 of POPI.

What is personal information?

Personal information refers to any information that identifies you or specifically relates to you. Personal information includes, but is not limited to, the following information about you to the extent required depending on the circumstances of our engagement with you:

Age	Gender	Personal preferences
Birth	Identity number	Personal views
Biometric	Language	Physical address
Conscience	Location information	Physical health
Correspondence	Marital Status	Pregnancy
Criminal history	Mental Health	Race

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Disability	Medical History	Religion
Education	Name	Sex
E-mail address	National Origin	Telephone number
Employment history	Online identifier	Well-being
Ethnic origin	Other particular assignment	
Financial history	Personal opinions	

Is the supply of the personal information voluntary or mandatory?

The supply of certain personal information is mandatory, meaning we have to collect this personal information from you by law. If you do not supply this information, we cannot comply with our legal obligations. In this regard, if you do not supply this personal information, we may not be able to do business with you. We collect personal information as is required by the following legislation:

Basic Conditions of Employment Act, No 75 of 1997
Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
Employment Equity Act, No. 55 of 1998
Income Tax Act 58 of 1962
Labour Relations Act, No 66 of 1995
NQF Act No 67 of 2008
Skills Development Act 97 of 1998
Unemployment Insurance Act, No. 63 of 2001
Occupational Health and Safety Act No. 85 of 1993
Prevention of Organised Crime Act No. 121 of 1998

In other instances, the supply of personal information is voluntary, which means there is no law imposed on us to collect this personal information. Even though there is no law that imposes the collection of the personal information, we may require the personal information to deliver the products and/or services to you. In this regard, if you do not supply the personal information, we cannot do business with you.

When will we process your personal information?

We will only process your personal information for lawful purposes relating to our business if the following applies:

- if you have consented thereto.
- if a person legally authorised by you, the law, or a court, has consented thereto.
- if it is necessary to conclude or perform under a contract, we have with you.
- if the law requires or permits it.
- if it is required to protect or pursue your, our or a third party's legitimate interest.

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What is special personal information?

The definition of special personal information is personal information about the following which may be required depending on the circumstances of our engagement with you:

Biometric information

Criminal behaviour

Ethnic origin

Health

Philosophical beliefs

Political persuasion

Race

Religious beliefs

Trade union membership

When will we process your special personal information?

We may process your special personal information in the following circumstances:

- if you have consented to the processing.
- if the information is being used for any Human resource or payroll requirement.
- if the processing is needed to create, use, or protect a right or obligation in law.
- if the processing is for statistical or research purposes and all legal conditions are met.
- if the special personal information was made public by you.
- if the processing is required by law.
- if racial information is processed, and the processing is required to identify you; and / or if health information is processed, and the processing is to determine your insurance risk, or to comply with an insurance policy or to enforce an insurance right or obligation.

When and from where we obtain personal information about you?

We may collect personal information about you from the following sources:

- We may collect personal information directly from you.
- We may collect personal information from a public record.
- We may collect personal information from an area where you have deliberately made it public.
- We may collect information about you based on your use of our products, services, or service channels.
- We may collect information about you based on how you engage or interact with us such as via our support desk, emails, letters, telephone calls and surveys.
- We may collect personal information from a third party.
- We may collect personal information from another source if you give us consent to do so.

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If the law requires us to do so, we will ask for your consent before collecting personal information about you from third parties.

The third parties from whom we may collect your personal information include, but are not limited to, the following:

- Partners of our company for any of the purposes identified in this Privacy Policy.
- your spouse, dependents, partners, employer, and other similar sources.
- attorneys, tracing agents, debt collectors and other persons that assist with the enforcement of agreements.
- payment processing services providers, merchants, banks, and other persons that assist with the processing of your payment instructions, like EFT transaction partners.
- insurers, brokers, other financial institutions, or other organisations that assist with insurance and assurance underwriting, the providing of insurance and assurance policies and products, the assessment of insurance and assurance claims and other related purposes.
- law enforcement and fraud prevention agencies and other persons tasked with the prevention and prosecution of crime;
- regulatory authorities, industry ombudsman, governmental departments, local and international tax authorities.
- trustees, Executors or Curators appointed by a court of law.
- our service providers, agents and sub-contractors like couriers and other persons we use to offer and provide products and services to you.
- courts of law or tribunals.

Reasons we need to process your personal information.

We will process your personal information for the following reasons:

- to provide you with products, goods, and services
- to market our products, goods, and services to you.
- to respond to your enquiries and complaints.
- to comply with legislative, regulatory, risk and compliance requirements (including directives, sanctions, and rules), voluntary and involuntary codes of conduct and industry agreements or to fulfil reporting requirements and information requests.
- to develop, test and improve products and services for you.
- for historical, statistical and research purposes, like market segmentation.
- to process payment instruments.
- to create, manufacture and print payment issues (like a payslip)

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- to enable us to deliver goods, documents, or notices to you.
- for security, identity verification and to check the accuracy of your personal information.
- to communicate with you and carry out your instructions and requests.
- for customer satisfaction surveys, promotional offerings.
- to enable you to take part in customer loyalty reward programmes, to determine your qualification for participation, earning of reward points, determining your rewards level, monitoring your buying behaviour with our rewards partners to allocate the correct points or inform you of appropriate products, goods, and services you may be interested in or to inform our reward partners about your purchasing behaviour.
- to enable you to take part in and make use of value-added products and services.
- to assess our lending and insurance risks; and / or
- for any other related purposes.

How we use your personal information for marketing

- We will use your personal information to our products and services to you.
- We will do this in person, by post, telephone, or electronic channels such as SMS, email, and fax.
- If you are not our customer, or in any other instances where the law requires, we will only market to you by electronic communications with your consent.
- In all cases you can request us to stop sending marketing communications to you at any time.

When how and with whom we share your personal information?

In general, we will only share your personal information if any one or more of the following apply:

- if you have consented to this.
- if it is necessary to conclude or perform under a contract, we have with you;
- if the law requires it; and / or
- if it's necessary to protect or pursue your, our or a third party's legitimate interest.

Under what circumstances will we transfer your information to other countries?

We will only transfer your personal information to third parties in another country in any one or more of the following circumstances:

- where your personal information will be adequately protected under the other country's laws or an agreement with the third-party recipient.

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- where the transfer is necessary to enter into or perform under a contract with you, or a contract with a third party that is in your interest.
- where you have consented to the transfer; and / or
- where it is not reasonably practical to obtain your consent, the transfer is in your interest.

This transfer will happen within the requirements and safeguards of the law. Where possible, the party processing your personal information in the other country will agree to apply the same level of protection as available by law in your country or if the other country's laws provide better protection the other country's laws would be agreed to and applied.

How we secure your personal information

Access to certain Vistex web pages, services, products and activities may require a username and a password. It is your responsibility to maintain the confidentiality of your username and password information. In certain sections of our website, Vistex may use industry-standard encryption and secure databases to enhance the security of data transmissions. We also have reasonable security measures in place in our physical facilities to protect against the loss, misuse or alteration of information that we have collected from you on our Site.

We maintain physical, technical, and administrative safeguards consistent with legal requirements and designed to secure your personal information from accidental loss and from unauthorized access, use, alteration, and disclosure. While Vistex strives to preserve your personal information on our network, due to the inherent security risks of storing and transferring data on the wired or wireless Internet, Vistex recommends that you change your password frequently, where applicable, and that you use the latest browser version.

We will notify you in the event we become aware of a security breach involving your personally identifiable information (as defined by the law) stored by or for us. By disclosing your email address to us for any reason, you expressly consent to receive electronic notice from us in the event of such a security breach.

How long do we keep your personal information?

To the extent permitted or required by applicable law, we retain personal information we obtain about you as long as: (a) we need the information for the purpose(s) for which we obtained it, in accordance with this Policy; or (b) we have another lawful basis, as stated in this Policy or at the point of collection, for retaining the information beyond the period for which it is necessary to serve the initial purpose for collecting the personal information.

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Other lawful basis could include:

- a contract between you and us requires us to keep it.
- you have consented for us keeping it.
- we require it for statistical or research purposes.
- a code of conduct requires us to keep it; and / or

Take note: We may keep your personal information even if you no longer have a relationship with us, for the historical data that may be required by your employer or employee.

Our cookie policy

Vistex's website and online services may use "cookies." Cookies enable you to personalize your experience on our sites, enable chat functionality, and tell us which parts of our websites people have visited, help us measure the effectiveness of ads and web searches, and give us insights into user behaviour so we can improve our communications and solutions.

You may adjust your cookie preferences directly on our website at any time. If you want to disable cookies in your web browser, check with your provider to find out how to disable cookies within your Privacy Preferences and/or Settings (based on the operating system). Because cookies are used throughout our websites, disabling them may prevent you from using certain parts of the sites.

The cookies used on our websites have been categorized based on the definitions below. We use the following categories on our websites and other online services:

Type 1 — Strictly Necessary Cookies

Also called first-party cookies, these cookies are essential to enable you to browse our website and use its features. Without these cookies, all the features of our website will not be available to you.

Type 2 — Performance Cookies

These cookies collect information about how you use our website like which pages you visit, and which links you have clicked. This data is aggregated and anonymized and cannot be used to identify you. Their purpose is to help improve and optimize our website and make it easier for you to navigate.

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Type 3 — Functionality Cookies

These cookies allow our websites to remember choices you made in the past while browsing. For instance, we may store your geographic location in a cookie to ensure that we show you our website localized for your area or in your preferred language. They may also be used to keep track of what featured products or videos you have viewed to avoid repetition. The information these cookies collect will not personally identify you, and they cannot track your browsing activity on non-Vistex websites.

Your duties and rights about the personal information we have about you.

You must provide proof of identity when enforcing the rights below. You must inform us when your personal information changes. Please contact our Information Officer to give effect to any of the below rights.

You have the right to request access to the personal information we have about you by contacting us. This includes requesting:

- confirmation that we hold your personal information.
- a copy or description of the record containing your personal information; and
- the identity or categories of third parties who have had access to your personal information.

We will attend to requests for access to personal information within a reasonable time. You may be required to pay a reasonable fee to receive copies or descriptions of records, or information about third parties. We will inform you of the fee before attending to your request.

Please note that the law may limit your right to access information.

You have the right to request us to correct or delete the personal information we have about you if it is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, obtained unlawfully or we are no longer authorised to keep it. You must inform us of your request in writing. It may take up to 15 business days for the change to reflect on our systems. We may request documents from you to verify the change in personal information. A specific agreement that you have entered into with us may determine how you must change your personal information provided at the time when you entered into the specific agreement. Please adhere to these requirements. If the law requires us to keep the personal information, it will not be deleted upon your request. The deletion of certain personal information may lead to the termination of your business relationship with us.

You may object on reasonable grounds to the processing of your personal information. We will not be able to give effect to your objection if the processing of your personal information was and is permitted by law;

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you have provided consent to the processing and our processing done according to your consent or the processing is necessary to conclude or perform under a contract with you.

Where you have provided your consent for the processing of your personal information, you may withdraw your consent. If you withdraw your consent, we will explain the consequences to you. We may proceed to process your personal information even if you have withdrawn your consent if the law permits or requires it. It may take up to 15 business days for the change to reflect on our systems, during this time we may still process your personal information. You must inform us of any objection in writing.

You have a right to file a complaint with us or any Regulator with jurisdiction about an alleged contravention of the protection of your personal information by us. We will address your complaint as far as possible.

The contact details for the Information Regulator is as follows:

Email:	Complaints.IR@justice.gov.za
Postal Address:	P.O. Box 31533, Braamfontein, Johannesburg, 2017
Physical Address:	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001.

Third-Party Content –

In some cases, third-party websites are provided. These links are provided solely as a convenience to you. If you use these links, you will leave the Site. Vistex has not reviewed all these third-party sites in their entirety, neither does it control nor is responsible for any of these sites, their content or their privacy policies. Thus, Vistex's provision of such links is not an endorsement and Vistex does not make representation about them or any information software, or other products or materials found there, or any results that may be obtained from using them. If you decide to access any of the third-party websites linked to the Site, you do so at your own risk.

Communication with Vistex –

Except as set forth in any other agreements between you and Vistex that specifically provide otherwise, any communication or material you transmit to us electronically, including any data, questions, comments, suggestions or the like is, and will be treated as, non-confidential and non-proprietary; anything you transmit or post may be used by us for any purpose, including, but not limited to, reproduction, disclosure, transmission, publication, broadcast and posting; and you expressly agree that we are free to use any ideas, concepts, know-how or techniques contained in any communication you send to us without compensation and for any purpose whatsoever including, but not limited to, developing, manufacturing and marketing products and services using such information.

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Changes to the Privacy Policy –

Vistex reserves the right to change this policy at our discretion at any time by posting such changes here. You are encouraged to check this web page frequently. If we make substantial changes in the way we use your personal information, we will make the information available to you in advance by posting a notice on this Website or through an e-mail to your primary e-mail address on record. Your continued use of this Website after we revise this policy means you accept those changes, so please check the policy periodically for updates.

Data Storage and Transfer –

This Website may or may not be maintained in the United States of America. By using this Website to the extent applicable to users outside of the United States of America, you freely and specifically give us your consent to import/export your personal information to the USA or elsewhere. If we transfer personal information and process it in the USA or elsewhere, it will be done in accordance with applicable laws and regulations and using appropriate safeguards when necessary.

How can you get in touch with us?

For any queries in relation to this letter or our processing of your personal information in general, you can contact our Information Officer and/or Deputy Information Officer at the following details:

Information Officer:	Cornelius du Toit
Deputy Information Officer:	Nicholas Appalsamy
Contact Number:	+27 511 6721
Email Address:	popi.africa@vistex.com
Physical Address:	201 Data Voice House, 16 Elektron Road, Techno Park, Stellenbosch, 7600