

EMPOWERDEX PRIVACY STATEMENT

1 INTRODUCTION

- 1.1 Empowerdex (Pty) Ltd ("**Empowerdex**") is a BEE verifications agency which is accredited by the South African National Accreditation System ("**SANAS**") to rate the status of enterprises from time to time by weighting its broad-based black economic empowerment compliance against a Verification Standard.
- 1.2 Empowerdex is committed to protecting your privacy. This commitment reflects the value we place on earning and keeping the trust of our client's, business partners, and others who share their personal information with us from time to time.
- 1.3 This Privacy Statement ("**Statement**") explains Empowerdex's information processing practices. It applies to any personal information you provide to Empowerdex and any personal information we collect from other sources. This statement is a statement of our practices and of your rights regarding your personal information. This is not a contractual document, and it does not create any rights or obligations on either party, beyond those which already exist under applicable data protection legislation.

2 WHO IS RESPONSIBLE FOR YOUR INFORMATION?

- 2.1 Throughout this statement, "**Empowerdex**" refers to Empowerdex (Pty) Ltd, including its affiliated companies and subsidiaries, namely Empowerdex Northern Regions (Pty) Ltd and Empowerdex Verification Services Kwazulu-Natal (Pty) Ltd (also referred to as "**we**", "**us**", or "**our**"). The Empowerdex entity responsible for your personal information (and the controller for the purposes of data protection legislation) will be entity who you originally interacted with and thereby collected information from or about you.
- 2.2 Empowerdex from time to time will perform Broad Based Black Economic Verification pursuant to the B-BBEE Codes of Good Practice and Sector Specific Codes as released and updated by the Department of Trade Industry and Competition (the "**DTIC**") from time to time. (the "**services**")
- 2.3 Some of the services which Empowerdex provides to its clients are provided as a processor, which means that the client remains primarily responsible for its information. In these circumstances, we may re-direct a query about our use of your information to our client.

3 WHEN AND HOW DO WE COLLECT YOUR INFORMATION?

- 3.1 Empowerdex collects personal information in the following ways:
 - 3.1.1 when we perform services for our clients;
 - 3.1.2 when you request a service from us;
 - 3.1.3 when you register for our newsletter on our website;
 - 3.1.4 when you attend on Empowerdex's site or event;
 - 3.1.5 when you apply for a job at Empowerdex; and
 - 3.1.6 if you contact us with a complaint or query.

4 WHAT INFORMATION DO WE COLLECT?

4.1 Information you provide us

4.1.1 When you request services, we ask that you provide accurate and necessary information that enables us to respond to your request. When a client or person provides personal information to us, we use it for the purposes for which it was provided to us as stated at the point of collection or as obvious from the context of collection.

4.2 Information we collect from third parties

4.2.1 When we provide the services for our clients, we may collect personal information such as your name, contact details, date of birth, gender, nationality, race, marital status, disability status, financial details, shareholding details, procurement practises, development programmes and employment details. We may also collect (in each case as strictly relevant to the services we provide) sensitive information about you.

4.2.2 More information about the personal information collected for each of our services, together with the purpose and legal basis for collecting the information, will be provided to you in separate privacy notices which are relevant to the services which affect you.

4.2.3 We will not collect any sensitive information unless this is required. Sensitive information includes a number of types of data relating to: ethnic origin; political opinions; religious or other similar beliefs; trade union membership; sexual life or criminal record. We suggest that you **do not** provide sensitive information of this nature unless we specifically request this information.

4.2.4 If you do provide us with personal information, you understand and give your explicit consent that we may collect, use and disclose this information **only** insofar as same may be required for:

4.2.4.1 us properly performing the service;

4.2.4.2 the audit of that service by *inter alia* SANAS; and/or

4.2.4.3 oversight and supervision of that service by the DTIC and the B-BBEE Commission.

4.2.5 If you provide personal information about other individuals such as employees or dependents, you must obtain their consent prior to your disclosure to us.

4.3 Information we collect over Empowerdex website

We may ask you for some or all of the following types of information. This includes, but is not limited to contact information, such as name and e-mail address for our mailing list.

5 HOW DO WE USE YOUR PERSONAL INFORMATION?

The following is a summary of the purposes for which we use personal information. More information about the personal information collected for each of our services, together with the purpose and legal basis for collecting the information, will be provided to you in separate privacy notices which are relevant to the services which affect you.

5.1 Performing services for our clients

5.1.1 We process information which our clients provide to us in order to provide verification services. The precise purposes for which your personal information is processed will be determined by the scope and specification of our client engagement, and by applicable laws, regulatory guidance and professional standards. It is the obligation of our client to ensure that you understand that your personal information will be disclosed to Empowerdex.

5.2 Administering our client engagements

5.2.1 We process personal information about our clients and the individual representatives and selected employees of our corporate clients in order to:

- 5.2.1.1 carry out “**Know Your Client**” checks and screening prior to starting a new engagement; conduct the verification services for which we were appointed;
- 5.2.1.2 carry out client communication, service, billing and administration;
- 5.2.1.3 deal with client complaints and appeals; and
- 5.2.1.4 to collate the information which is necessary for it to assess, verify and validate the B-BBEE status of a client in accordance with the Verification Standard which is set by SANAS from time to time for an accredited B-BBEE Rating Agency in Document R47.

5.3 Legal basis

5.3.1 All processing (i.e. use) of your personal information is justified by a “**lawful basis**” for processing. In the majority of cases, processing will be justified on the basis that:

- 5.3.1.1 the processing is necessary for the performance of a contract to which you are a party, or to take steps (at your request) to enter into a contract;
- 5.3.1.2 the processing is necessary for us to comply with a relevant legal obligation (e.g. where we are required to collect certain information about our clients for tax or accounting purposes, or where we are required to make disclosures to courts or regulators); or
- 5.3.1.3 the processing is in our legitimate commercial interests, subject to your interests and fundamental rights (e.g. where we use personal information provided to us by our clients to deliver our services, and that processing is not necessary in relation to a contract to which you are a party).

5.3.2 Before collecting and/or using any special categories of data, we will establish a lawful exemption which will allow us to use that information. This exemption will typically be:

- 5.3.2.1 your explicit consent; or
- 5.3.2.2 the establishment, exercise or defense by us or third parties of legal claims.

6 DO WE COLLECT INFORMATION FROM CHILDREN?

Our services are not directed to children and we **do not** knowingly collect personal information from children.

7 HOW LONG DO WE RETAIN YOUR PERSONAL INFORMATION?

- 7.1 How long we retain your personal information depends on the purpose for which it was obtained and its nature.
- 7.2 We will keep your personal information for the period necessary in order to fulfil the purposes described in this statement unless a longer retention period is permitted by law or regulation, in accordance with Empowerdex's record retention policy.
- 7.3 In specific circumstances we may store your personal information for longer periods of time so that we have an accurate record of your engagement with us in the event of any complaints or challenges, or if we reasonably believe there is a prospect of litigation relating to your personal information or dealings.

8 DO WE DISCLOSE YOUR PERSONAL INFORMATION?

8.1 Within Empowerdex

We may share your personal information with other Empowerdex entities, brands, divisions, and subsidiaries to serve you, including for the activities listed above. We **do not** rent, sell or otherwise disclose personal information. We **do not** share your personal information with third parties except in the following circumstances discussed below

8.2 Business Partners

We disclose personal information to business partners who provide certain specialized services to us, or who cooperate with us on projects. These business partners operate as separate controllers, and are responsible for their own compliance with data protection laws. You should refer to their privacy notices for more information about their practices.

8.3 Authorised service providers

We may disclose your information to service providers we have retained (as processors) to perform services on our behalf (in relation to services which Empowerdex is performing for its clients from time to time). These service providers are contractually restricted from using or disclosing the information except as necessary to perform services on our behalf or to comply with legal requirements. These activities could include any of the processing activities that we carry out as described in the above section, 'How we use your personal information.'

Examples include:

- IT service providers who manage our IT and back-office systems, telecommunications networks and cloud storage

These third parties appropriately safeguard your data, and their activities are limited to the purposes for which your data was provided.

8.4 Legal requirements and business transfers

We may disclose personal information:

- 8.7.1. if we are required to do so by law, legal process, statute, rule, regulation, or professional standard, or to respond to a subpoena, search warrant, or other legal request.
- 8.7.2. in response to law enforcement authority or other government official requests,
- 8.7.3. when we believe disclosure is necessary or appropriate to prevent physical harm or financial loss;
- 8.7.4. in connection with an investigation of suspected or actual illegal activity; or
- 8.7.5. in the event that Empowerdex is subject to a merger or acquisition, who upon the conclusion thereof become the new owner of the business of Empowerdex. Disclosure may also be required for company audits or to investigate a complaint or security threat.

9 DO WE HAVE SECURITY MEASURES IN PLACE TO PROTECT YOUR INFORMATION?

- 9.1 The security of your personal information is important to us and Empowerdex has implemented reasonable physical, technical and administrative security standards to protect personal information from loss, misuse, alteration or destruction.
- 9.2 We protect your personal information against unauthorised access, use or disclosure, using security technologies and procedures, such as encryption and limited access. Only authorised individuals access your personal information, and they receive training from time to time about the importance of protecting personal information.
- 9.3 Similarly, our service providers and agents are contractually bound to maintain the confidentiality of personal information and may not use the information for any unauthorised purpose.

10 WHAT CHOICES DO YOU HAVE ABOUT YOUR PERSONAL INFORMATION?

We offer certain choices about how we communicate with our clients and what personal information we obtain about them and share with others.

11 HOW CAN YOU UPDATE YOUR COMMUNICATION PREFERENCES?

- 11.1 We take reasonable steps to provide you with communication about your information. You can update your communication preferences by contacting our information officer, namely Ms. L Ratsoma (lratsoma@empowerdex.com) or the relevant Regional Manager who's contact details are displayed on our website.
- 11.2 Contact us by e-mail. Please include your current contact information, the information you are interested in accessing and your requested changes. If we **do not** provide you with access, we will provide you with the reason for refusal and inform you of any exceptions relied upon.

12 OTHER RIGHTS REGARDING YOUR DATA

- 12.1 Subject to certain exemptions, and in some cases dependent upon the processing activity we are undertaking, you have certain rights in relation to your personal information.

12.2 We may ask you for additional information to confirm your identity and for security purposes, before disclosing the personal information requested to you. We reserve the right to charge a fee where permitted by law, for instance if your request is manifestly unfounded or excessive.

12.3 You can exercise your rights by contacting us. Subject to legal and other permissible considerations, we will make every reasonable effort to honour your request promptly or inform you if we require further information in order to fulfil your request.

12.4 We may not always be able to fully address your request, for example if it would impact the duty of confidentiality we owe to others, or if we are legally entitled to deal with the request in a different way.

12.5 **Right to Access**

You have right to access personal information which Empowerdex holds about you.

12.6 **Right to Rectification**

You have a right to request us to correct your personal information where it is inaccurate or may be out of date.

12.7 **Right to be Forgotten (Right to Erasure)**

You have the right under certain circumstances to have your personal information erased. Your information can only be erased if your data is no longer necessary for the purpose for which it was first collected, and we have no other legal ground for processing the data.

12.8 **Right to Restrict Processing**

12.8.1 You have the right to restrict the processing of your personal information, but only where:

12.8.1.1 its accuracy is contested, to allow us to verify its accuracy; or

12.8.1.2 the processing is unlawful, but you **do not** want it erased; or

12.8.1.3 it is no longer needed for the purposes for which it was collected, but we still need it to establish, exercise or defend legal claims; or

12.8.1.4 you have exercised the right to object, and verification of overriding grounds is pending.

12.9 **Right to Data Portability**

12.9.1 You have the right to data portability, which requires us to provide personal information to you or another controller in a commonly used, machine readable format, but only where the processing of that information is based on: -

12.9.1.1 consent; or

12.9.1.2 the performance of a contract to which you are a party.

12.10 **Right to Object to Processing**

You have the right to object to the processing of your personal information at any time, but only where that processing is necessary to pursue our legitimate interests or the interest of a third party to whom the information is supplied to. If

you do raise an objection, we have an opportunity to demonstrate that we have compelling legitimate interests which outweigh that objection.

12.11 **Right to Decline Automated Decision Making**

12.11.1 You have the right to not be subject to decisions based solely on automated decision making, which produce legal or significant effects for you, except where these are: -

12.11.1.1 necessary for a contract to which you are a party;

12.12.1.1. authorised by law;

12.12.1.2. based on your explicit consent.

12.11.2 Even where such decisions are permitted, you can contest the decision and require Empowerdex to exercise human intervention.

12.11.3 We **do not** use automated decision making (including automated decision-making using profiling) when processing your personal information. If we ever use an automated decision making solution, you have a right to request that a decision based off your personal information cannot be solely decided via an automated process.

13 **CONTACT US**

If you have any questions, would like further information about our privacy and information handling practices, would like to discuss opt-outs or withdrawing consent, or would like to make a complaint about a breach of this statement, please contact:

Information Officer:

Empowerdex

Ground Floor, Block B, 36 Wierda Road

36 Wierda Road West, Wierda Valley,

Sandton, 2196

email: lratsoma@empowerdex.com

14 **CHANGES TO THIS STATEMENT**

We may update this statement from time to time.

We encourage you to periodically review this statement so that you will be aware of our privacy practices.

This Statement was last updated on **7 February 2023**.