

EMPOWERDEX PRIVACY NOTICE

1 INTERPRETATION

1.1 the following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings -

1.1.1 **"affiliate"** - in relation to: (i) a person which is a company, any company (established in any jurisdiction in the world) which is directly or indirectly a subsidiary or holding company of such company and includes any other person directly or indirectly Controlled by, or which Controls, or which is under common Control with, that company; and in relation to (ii) a person who or which is an individual, firm, partnership or other unincorporated body, includes any individual, firm, trust, partnership, unincorporated body or company directly or indirectly Controlled by, or which Controls, or which is under common Control with, such individual, firm, trust, partnership or unincorporated body;

1.1.2 **"business day"** means any day other than a Saturday, Sunday or official public holiday in the RSA;

1.1.3 **"Company"** or **"Empowerdex"** means Empowerdex (Pty) Ltd, a private company duly registered and incorporated in accordance with the company laws of the Republic of South Africa with registration number 2001/027963/07 and includes its affiliated companies and subsidiaries, namely:

1.1.3.1 Empowerdex Northern Regions (Pty) Ltd, a private company duly registered and incorporated in accordance with the company laws of the Republic of South Africa with registration number 2008/004631/07;

1.1.3.2 Empowerdex Verification Services Kwazulu-Natal (Pty) Ltd, a private company duly registered and incorporated in accordance with the company laws of the Republic of South Africa with registration number 2006/019138/07.

1.1.4 **"data analytics"** means systematic computational analysis of data or statistics;

1.1.5 **"PAIA"** means the Promotion of Access to Information Act, No. 2 of 2000;

1.1.6 **"POPI"** means the Protection of Personal Information Act, No. 4 of 2013;

1.1.7 **"RSA"** means the Republic of South Africa;

1.1.8 **"services"** means verification services;

1.2 any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;

2 INTRODUCTION

2.1 Empowerdex (Pty) Ltd (**"Empowerdex"**) is a B-BBEE verifications agency which is accredited by the South African National Accreditation System (**"SANAS"**) to rate the status of enterprises from time to time by weighing its broad-based black economic empowerment compliance against a Verification Standard.

2.2 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.

- 2.3 This privacy notice explains how Empowerdex and its affiliated companies and subsidiaries makes use of the personal information collected about you in connection with the verification services. Throughout this notice Empowerdex may be referred to as "**we**", "**us**", "**our**" or "**Company**". This is not a contractual document and thus does not create any rights or obligations on either party, beyond those that already exist under applicable data protection legislation.

3 COLLECTING YOUR INFORMATION

The information we collect about you may include basic personal details, such as your name, contact details, date of birth, gender, nationality, race, marital status, disability status, financial details, shareholding details, procurement practices, development programmes and employment details;

- 3.1 You are required to provide any personal information we reasonably require (in a form acceptable to us) to meet our obligations in connection with the services we provide to you, including any legal and regulatory obligations. Where you fail to provide or delay in providing information, we reasonably require to meet these obligations, we may be unable to offer the services to you and/or we may terminate the services provided with immediate effect.
- 3.2 Where you provide personal information to Empowerdex about third party individuals, where appropriate, you should provide these individuals with a copy of this Notice beforehand or ensure they are otherwise made aware of how their information will be used by Empowerdex.
- 3.3 In addition to collecting personal information from you directly, we may also collect personal information about you from other third parties, for vetting and data validation agencies and other professional advisory service providers. This information may be sourced prior to, and throughout the course of providing the services to you.

4 PROCESSING YOUR INFORMATION

- 4.1 We will use the information we collect about you in connection with the services to:
- 4.1.1 assess your application to receive the services;
 - 4.1.2 carry out a due diligence;
 - 4.1.3 identify you; and
 - 4.1.4 fulfil legal and regulatory obligations as an accredited B-BBEE Rating Agency and monitor compliance with the same.

5 LEGAL GROUNDS FOR PROCESSING

We rely on the following legal grounds to collect and use your personal information:

5.1 Performance of the service contract with you

Where we offer the services or enter a contract with you to provide the services, we will collect and use your personal information where necessary to enable us to take steps to offer you the services.

5.2 Legal and regulatory obligations

The collection and use of some aspects of your personal information is necessary to enable us to meet our legal and regulatory obligations. Empowerdex is licensed and regulated by the South African National Accreditation System and is required to provide the service in accordance with relevant regulatory rules.

5.3 Legitimate interests

The collection and use of some aspects of your personal information is necessary to enable us to pursue our legitimate commercial interests, e.g., to operate our business. Where we rely on this legal basis to collect and use your personal information, we shall take appropriate steps to ensure the processing does not infringe the rights and freedoms conferred to you under the applicable data privacy laws.

5.4 Consent

5.4.1 We rely on your consent to collect and use personal information specifically for the purpose of performing the services.

5.4.2 Where we rely on your consent to collect and use your information, you are not obliged to provide your consent and you may choose to subsequently withdraw your consent at any stage once provided. However, where you refuse to provide information that we reasonably require providing the services, we may be unable to offer you the services and/or we may terminate the services provided with immediate effect.

5.4.3 Where you choose to receive the services from us you agree to the collection and use of your personal information in the way we describe in this section of the privacy notice.

6 ACCURACY OF INFORMATION PROVIDED

We rely on the availability of accurate information to provide the services to you and operate our business. You should therefore notify us of any changes to your information, particularly information that may affect the proper management and administration of your business and/or the services provided to you.

7 RECIPIENTS OF YOUR INFORMATION

7.1 We generally share your information with the following categories of recipients where necessary to offer, administer and manage the services provided to you:

- 7.1.1 Our employees who may be involved in the performance of the services and the administration thereof;
- 7.1.2 The B-BBEE Commission;
- 7.1.3 SANAS,
- 7.1.4 The DTIC, and
- 7.1.5 To a Court of competent jurisdiction, if required to do so by law.

8 RETENTION OF YOUR INFORMATION

- 8.1 We retain appropriate records of your information to operate our business and comply with our legal and regulatory obligations. These records are retained for predefined retention periods that may extend beyond the period for which we provide the services to you. In most cases we shall retain your personal information for no longer than is required under the applicable laws and regulations.
- 8.2 We will keep your personal information for the period necessary to fulfil our obligations as a verification agency unless:
- 8.2.1 a longer retention period is permitted or required by law;
 - 8.2.2 Empowerdex reasonably requires it for lawful purposes related to its functions or activities;
 - 8.2.3 it is required by a contract between us; or
 - 8.2.4 with your consent.

We have implemented appropriate measures to ensure your information is securely destroyed in a timely and consistent manner when same is no longer required.

9 INFORMATION SECURITY

The security of your information is important to us, and we have implemented appropriate security measures to protect the confidentiality, integrity and availability of the information we collect about you and ensure that such information is processed in accordance with applicable data privacy legislation.

10 INFORMATION RIGHTS

- 10.1 You have the following rights under applicable data privacy laws in respect of any personal information we collect and use about you:
- 10.1.1 the right to access and inspect your personal information or be provided with a permanent copy of the information being held about you, for a reasonable fee. We may and where applicable, must, refuse access to information in terms of the grounds for refusal of access to records set out in the applicable laws including the Promotion of Access to Information Act 2000;
 - 10.1.2 the right to request the correction of your personal information where it is inaccurate irrelevant, excessive, incomplete, misleading, or out of date or in cases where the accuracy of information is disputed, to supplement the information to give notice that you dispute its accuracy;
 - 10.1.3 the right to request the erasure, deletion, or destruction of your personal information, particularly where the continued use of the information is no longer necessary, and we have no other legal ground for processing the data;
 - 10.1.4 the right to object to the use of your personal information, at any time, particularly where you feel there are no longer sufficient legitimate grounds for us to continue processing the information where the justification for that processing is that

it is necessary for pursuing our legitimate interests or for the protection of your legitimate interests or where the processing is in the context of the processing of personal information for the purposes of direct marketing. If you do raise an objection, such objection should be based on reasonable grounds relating to your circumstances, unless legislation provides for such processing;

10.1.5 the right to request the restriction of your personal information from further use, e.g. where the accuracy of the information is disputed and you request that the information not be used until its accuracy is confirmed, the processing is unlawful, but you do not want it erased, deleted or destroyed; or it is no longer needed for the purposes for which it was collected for purposes of proof; or you request the transmission of the personal data into another automated processing system.

10.1.6 the right to complain to the relevant data protection regulator about our processing of your personal information. In this respect, you may do so by reaching out to the Information Regulator, completing POPIA form 5 and emailing same to POPIAComplaints@inforegulator.org.za.

11 COMPLAINTS

11.1 If you wish to make a complaint about the way, we use your personal information you should **first** raise this with us by contacting the following person:

Information Officer:

Empowerdex
Ground Floor, Block B, 36 Wierda Road
36 Wierda Road West, Wierda Valley,
Sandton, 2196
email: jbrenor@empowerdex.com

11.2 However, if you are not satisfied with the way we have handled your complaint you have the right to then escalate the matter to the Information Regulator.

The Information Regulator (South Africa):

JD House
27 Stiemens Street
Braamfontein
Johannesburg, 2001
email: infoereg@justice.gov.za

12 CHANGES TO THIS NOTICE

12.1 This privacy notice is not contractual, and Empowerdex reserves the right to reasonably amend it from time to time in order to ensure it continues to accurately reflect the way in which Empowerdex collects and uses personal information about you. Any updates or changes to this notice will be made available to you. You should periodically review this notice in order to ensure you understand how we collect and use your personal information.

13 CONTACT INFORMATION

- 13.1 If you have any questions about the content of this notice or the rights conferred to you under the applicable data privacy laws, you should contact us at the following address:

Information Officer:

Empowerdex

Ground Floor, Block B, 36 Wierda Road

36 Wierda Road West, Wierda Valley,

Sandton, 2196

email: jbrebnor@empowerdex.com