

FINCON'S PRIVACY AND PERSONAL INFORMATION POLICY

Fincon Information Technologies (Pty) Ltd. (reg: 1993/001647/07) ("**Fincon**") adheres to the highest standards of protecting your personal information when we process it by virtue of your use of our Services, your use of our website <https://fincon.co.za/> or any of its related blogs, websites, applications or platforms (collectively, "**the Website**"), or by providing us with your personal information in any other way. As such, we have created this specific and detailed Privacy Policy for you to read and appreciate exactly how we safeguard your personal information and respect your privacy ("**Policy**").

- Please note that Fincon is a private limited liability close corporation duly registered and operating in accordance with the laws of South Africa.
- For more information regarding your personal information lawfully stored or used by Fincon, please contact christiaan@fincon.co.za who will gladly assist.
- Not all terms are necessarily defined in order, or may be defined in our other agreements or policies.
- Please ensure that you read all the provisions below, and our other Fincon rules and policies which may apply from time to time and made available to you, to understand all of your, and our, rights and duties.

1. Important information and who we are

1.1. Purpose of this Privacy Policy

- 1.1.1. This Privacy Policy aims to give you information on how Fincon collects and processes your personal data through any form of your engagement with Fincon such as your engagement with us when contracting or corresponding with us, when using our Services, accessing or using the Website, or providing us with your personal information in any other way (such as when participating in surveys, participating in events or signing up for newsletters).
- 1.1.2. This Privacy Policy complies with, and facilitates the obligations required from, the South African *Protection of Personal Information Act, No. 4 of 2013* ("**POPI**"), as amended.
 - 1.1.2.1. **Users with citizenships from jurisdictions other than of South Africa, please note that Fincon complies with all South African data protection laws when processing your personal information pursuant to the Services as we are a South African entity operating in the South African market. Should foreign law be applicable in any regard to your use of the Services and/or the Website in any way, including how we may process your personal information, please contact Fincon at christiaan@fincon.co.za who will gladly engage you on its application and your rights.**
- 1.1.3. It is important that you read this Privacy Policy together with any other privacy policy or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you, so that you are fully aware of how and why we are using your data. This Privacy Policy supplements the other notices and is not intended to override them.
- 1.1.4. **We do not process the data of minors nor special categories of data. Please do not provide such to us, where doing so will constitute a material and automatic breach of this Policy.**

1.2. Responsible Party and Operator roles

- 1.2.1. Fincon is the "Responsible Party" and is responsible for your personal data in instances where we decide the processing operations concerning your personal data. Sometimes we also operate as a "Operator" of personal data on behalf of a

third-party Responsible Party, where that Responsible Party's privacy terms will apply, but we will draw your attention to them, when applicable.

1.2.2. We have appointed an Information Officer (“**IO**”) at Fincon who is responsible for overseeing questions in relation to this Privacy Policy. If you have any questions about this Privacy Policy, including any requests to exercise your legal rights, please contact the IO using the details set out below.

1.2.3. Our full details are:

- Full name of legal entity: **Fincon Information Technologies (Pty) Ltd.**
- Name of IO: **Christiaan van der Merwe**
- Email address: **christiaan@fincon.co.za**
- Postal address: **PO Box 50227, Wierdapark, 0157**
- Telephone number: **012 663 7567**

1.2.4. You have the right to make a complaint at any time to the South African regulator's office (Information Regulator's Office of South Africa). We would, however, appreciate the chance to deal with your concerns before you approach any such regulator, so please contact us in the first instance.

1.3. Changes to the Privacy Policy and your Duty to Inform us of Changes

1.3.1. This Privacy Policy version was last updated on 26 July 2021 and historic versions are archived and can be obtained by contacting us.

1.3.2. It is important that the personal data we hold about you is accurate and current. Please keep us informed (using email engagements) if your personal data changes during your relationship with us.

1.4. Third-Party Links on Website or otherwise

1.4.1. The Website may include links to third-party websites, third-party service providers, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements or terms. When you leave our Website, or engage with such third parties, we encourage you to read the distinct privacy policy of every third-party you engage with.

2. The data we collect about you

2.1. Personal data, or personal identifiable information, means any information about an individual, both natural and juristic entities (i.e. people and companies), from which that entity can be identified. It does not include data where the identity has been removed (anonymous data).

2.2. We may collect, use, store and transfer (“**process**”) different kinds of personal data about you which we have grouped together as follows:

2.2.1. **Identity Data** including first name, maiden name, last name, identity number, or the information about your company such as company registration details, company address and name, authorizations for Service access;

2.2.2. **Contact Data** including email address, fax number, postal address, home telephone number, mobile telephone number, business telephone number, business email address, business fax number, business address, business mobile telephone number;

2.2.3. **Social Media Data** including all information accessible on your publicly available profile such as images, photos, photo tags, likes, followers, comments, posts and stories;

- 2.2.4. **Financial Data** including bank account details, third-party payment provider information and payment card details (which we do not store but only provide to our authorised third-party payment service provider under contract with us);
 - 2.2.5. **Transaction Data** including details about payments to and from you, service or performance contracts, contractual terms, contract fees, signups, invoices and other details of services you have obtained from us, or provide to us;
 - 2.2.6. **Technical Data** including internet protocol address/es, your login data, browser type and version, time zone setting and location, cookies, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access the Website;
 - 2.2.7. **Usage Data** including information about how you use our company, Website, surveys, events and Services; and
 - 2.2.8. **Marketing and Communications Data** including your preferences in receiving notices and marketing from us and our third parties and your communication preferences.
- 2.3. We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific Website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this Privacy Policy.
- 2.4. Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with services or allow you to provide us with your services). In this case, we may have to cancel Website-access or Services you have with us, but we will notify you if this is the case at the time.

3. How is your personal data collected?

- 3.1. We use different methods to collect data from and about you, including through:
- 3.1.1. **Direct interactions:** You may give us your **Identity, Contact, Technical, Social Media, Usage, Transaction, Sensitive, Marketing & Communications and Financial Data** by filling in various Fincon forms, Website forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:
 - 3.1.1.1. use our Services;
 - 3.1.1.2. use our Website;
 - 3.1.1.3. contract with us (as a client, service provider or otherwise);
 - 3.1.1.4. consult with us;
 - 3.1.1.5. complete forms;
 - 3.1.1.6. interact with us via webinar or social platform group, such as a Facebook™ group
 - 3.1.1.7. provide any services to us as a service provider or independent contractor on contract with us;
 - 3.1.1.8. request information to be sent to you;
 - 3.1.1.9. attend any Fincon event whether online (such as online calls or webinars) or in person; or
 - 3.1.1.10. give us some feedback.

- 3.1.2. **Automated technologies or interactions:** As you interact with our Website, we may automatically collect **Technical Data** and **Usage Data** about your equipment, browsing actions and patterns. We may collect this personal data by using cookies, server logs and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies.
- 3.1.3. **Third parties or publicly available sources:** We may receive personal data about you from various third parties and public sources as set out below:
- 3.1.3.1. **Technical Data and Usage Data** from the following parties:
- 3.1.3.1.1. *Google Analytics* based in USA;
- 3.1.3.1.2. *Zendesk* based in USA; and
- 3.1.3.1.3. *Hubspot* based in USA.

4. How we use your personal data

- 4.1. We will only use your personal data when the law allows us to and for legitimate reasons, which you hereby expressly understand and consent to. Most commonly, we will use your personal data in the following circumstances:
- 4.1.1. where we have your express consent to do so;
- 4.1.2. where we need to consult with you or perform on the Services contract we are about to enter into or have entered into with you;
- 4.1.3. where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests; and/or
- 4.1.4. where we need to comply with a legal or regulatory obligation.
- 4.2. Purposes for which we will use your personal data:
- 4.2.1. We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are, where appropriate, and which exact External Third Parties your personal data is handed to for same reasons.
- 4.2.2. Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

PURPOSE / ACTIVITY	TYPE OF DATA	LAWFUL BASIS FOR PROCESSING INCLUDING BASIS OF LEGITIMATE INTEREST	SPECIFIC EXTERNAL THIRD PARTY TO WHOM THE INFORMATION IS PROVIDED (IF ANY)
To engage with you after you have contacted us requesting an engagement via the Website or otherwise	(a) Identity (b) Contact (c) Marketing and Communications	(a) Express consent (b) Performance of a contract with you (c) Necessary for our legitimate interests (to keep our records updated and to study how engagees use our services, as well as to develop our services and grow our organisation)	<ul style="list-style-type: none"> <i>Hubspot</i> based in Massachusetts, USA. <i>Zendesk</i> based in California, USA.

To provide you with our Services as contracted (as a client)	(a) Identity (b) Contact (c) Technical (d) Social Media (e) Usage (f) Transaction (g) Marketing & Communications (h) Financial Data	(a) Performance of a contract with you (b) Express consent (c) Necessary to comply with a legal obligation	<ul style="list-style-type: none"> • <i>Zendesk</i> based in California, USA.
To contract with you as an Operator and/or other third-party service provider to Fincon	(a) Identity (b) Contact (c) Financial (d) Transaction	(a) Performance of a contract with you (b) Express consent (c) Necessary to comply with a legal obligation	None
To allow you to use the Website	(a) Usage (b) Technical	(a) Performance of a contract with you (b) Express consent	<ul style="list-style-type: none"> • <i>Google Analytics</i> based in California, USA.
To provide it to our authorised third-party service providers who need your personal data to provide their private services to you (such as to contracted payment gateway providers)	(a) Identity (b) Contact (c) Technical (d) Social Media (e) Usage (f) Transaction (g) Marketing & Communications (h) Financial Data	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to provide you with the Services you have contracted from the authorised third-party, and to develop our services and grow our organisation) (c) Express consent	None
To process and service your payment for any services rendered by Fincon or its service providers To manage payments, fees and charges	(a) Identity (b) Contact (c) Financial (d) Transaction	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to make or receive necessary organisation payments) (c) Express consent	None
To manage our relationship with you which may include notifying you about changes to our terms or Privacy Policy or Services	(a) Identity (b) Contact (c) Marketing and Communications	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how engagees use our Services) (d) Express consent	<ul style="list-style-type: none"> • <i>Twilio Sendgrid</i> based in Colorado, USA.
To administer and protect our organisation and our Website (including troubleshooting, data	(a) Identity (b) Contact (c) Technical (d) Usage	(a) Necessary for our legitimate interests (for running our organisation, provision of administration and IT services, network	None

analysis, testing, system maintenance, support, reporting and hosting of data)		security, to prevent fraud and in the context of an organisation restructuring exercise) (b) Necessary to comply with a legal obligation (c) Express consent	
To use data analytics to improve our Website, Services, engagee relationships and experiences	(a) Technical (b) Usage (c) Identity	(a) Necessary for our legitimate interests (to define types of engagees for our services, to keep our Website updated and relevant, to develop our organisation and to inform our marketing strategy) (b) Express consent	<ul style="list-style-type: none"> • <i>Google Analytics</i> based in California, USA.
To provide you with direct and user-specific marketing, make suggestions and recommendations to you about events or services that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Marketing and Communications	(a) Necessary for our legitimate interests (to develop our services and grow our organisation) (b) Express consent	None

4.2.3. **Marketing**

- 4.2.3.1. We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. To manifest your rights attached to any marketing sent to you as an existing customer, please use the in-built prompts provided on those communications, or contact us.
- 4.2.3.2. You will receive marketing communications from us if you are a contracted data subject of ours already (or become one by accepting this Policy) have requested information from us, use our Services, have participated in any Fincon service or event, or if you provided us with your details when registering for a promotion or event and, in each case, you have not opted-out of receiving that marketing.

4.2.4. **Third-Party Marketing**

- 4.2.4.1. Whilst we may use your personal data within our Fincon organisation group, we will get your express opt-in consent before we share your personal data publicly with any entity outside the Fincon group of organisations for public purposes.

4.2.5. **Opting-Out**

- 4.2.5.1. You can ask us or authorised third parties to stop sending you marketing messages at any time by contacting us or the relevant third party at any time and requesting us to cease or change your marketing preferences.
- 4.2.5.2. Where you opt-out of receiving these marketing messages, this opt-out will not apply to other personal data of yours which we process for another lawful basis.

4.2.6. Change of Purpose

- 4.2.6.1. We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.
- 4.2.6.2. If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.
- 4.2.6.3. Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

5. Disclosures of your personal data

- 5.1. We may have to share your personal data with the parties set out below for the purposes set out in the table above.
 - 5.1.1. Internal Third Parties as set out in the Glossary;
 - 5.1.2. External Third Parties as set out in the Glossary;
 - 5.1.3. Specific third parties listed in the table above; and/or
 - 5.1.4. Third parties to whom we may choose to sell, transfer, or merge parts of our organisation or our assets. Alternatively, we may seek to acquire other organisations or merge with them. If a change happens to our organisation, then the new owners may use your personal data in the same way as set out in this Privacy Policy.
- 5.2. We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions and standards.

6. Express Cookies provision

- 6.1. The Website may make use of “cookies” to automatically collect information and data through the standard operation of the Internet servers. “Cookies” are small text files a website can use (and which we may use) to recognise repeat users, facilitate the user’s on-going access to and use of a website and allow a website to track usage behaviour and compile aggregate data that will allow the Website operator to improve the functionality of the Website and its content, and to display more focused advertising to a user by way of third party tools.
- 6.2. The type of information collected by cookies is not used to personally identify you. If you do not want information collected through the use of cookies, there is a simple procedure in most browsers that allows you to deny or accept the cookie feature. Please note that cookies may be necessary to provide you with certain features available on our Website, and thus if you disable the cookies on your browser you may not be able to use those features, and your access to our Website will therefore be limited. If you do not disable “cookies”, you are deemed to consent to our use of any personal information collected using those cookies, subject to the provisions of this Policy and our other policies or terms.

7. International transfers

- 7.1. We share your personal data within the Fincon group of organisations and affiliates, and this may involve transferring and processing your data outside of South Africa.
- 7.2. Whenever we transfer your personal data out of either territory, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- 7.2.1. We will always have a contract concluded between the parties speaking specifically to data protection and the duties of each party related thereto; and
 - 7.2.2. We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the Information Regulator's Office of South Africa; and/or
 - 7.2.3. Where we use certain service providers, we may use specific contracts/clauses approved by the Information Regulator's Office which give personal data the same protection it has in South Africa.
- 7.3. Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of South Africa.

8. Data security

- 8.1. We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed by using data encryption wherever possible. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a legitimate need to know. They will only process your personal data on our instructions, and they are subject to a duty of confidentiality.
- 8.2. We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

9. Data retention

- 9.1. We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements (including financial/tax reporting and record-keeping laws).
- 9.2. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data, any other South African applicable law requiring us to retain the data and whether we can achieve those purposes through other means, and the applicable legal requirements.
- 9.3. Details of retention periods for different aspects of your personal data are available from us by contacting us.
- 9.4. In some circumstances you can ask us to delete your data; see below for further information.
- 9.5. In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

10. Your legal rights

- 10.1. Under certain circumstances, you have rights under data protection laws in relation to your personal data where we are the relevant "Responsible Party" over such personal data. Please contact us to find out more about, or manifest, these rights:
 - 10.1.1. request access to your personal data;
 - 10.1.2. request correction of your personal data;
 - 10.1.3. request erasure of your personal data;
 - 10.1.4. object to the processing of your personal data;
 - 10.1.5. request a restriction of processing your personal data;
 - 10.1.6. request transfer of your personal data; and/or
 - 10.1.7. right to withdraw consent.
- 10.2. You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded,

repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

- 10.3. We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.
 - 10.4. We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.
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11. Glossary

11.1. Lawful Basis

- 11.1.1. **Legitimate Interest** means the interest of our organisation in conducting and managing our organisation to enable us to give you the best service and the most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.
- 11.1.2. **Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.
- 11.1.3. **Comply with a legal or regulatory obligation** means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.
- 11.1.4. **Express consent** means the confirmed express consent you have provided to our processing of your personal data by actively accepting this Privacy Policy.

11.2. Third Parties

- 11.2.1. **Internal Third Parties** means other entities or parties in the Fincon group acting as joint controllers or processors and who are based in South Africa and provide IT and system administration services and undertake reporting.
- 11.2.2. **External Third Parties** means:
 - 11.2.2.1. Authorised third-party service providers under contract with Fincon who need your personal information in order to contact and transact with you pursuant to your use of the Services;
 - 11.2.2.2. specific third parties who have been identified in the table above;
 - 11.2.2.3. service providers acting as processors based in South Africa who provide IT and system administration services;
 - 11.2.2.4. South African or other national governments and/or their respective authorities pursuant to our adherence with anti-corruption and crime-fighting legislation; and/or
 - 11.2.2.5. professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers based in South

Africa who provide consultancy, banking, legal, insurance and accounting services as required.

11.3. Your legal rights

11.3.1. You have the right to:

- 11.3.1.1. **Request access** to your personal data (commonly known as a “data subject access request”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- 11.3.1.2. **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- 11.3.1.3. **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no valid reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. **Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be communicated to you, if applicable, at the time of your request.**
- 11.3.1.4. **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- 11.3.1.5. **Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:
 - 11.3.1.5.1. if you want us to establish the data’s accuracy;
 - 11.3.1.5.2. where our use of the data is unlawful but you do not want us to erase it;
 - 11.3.1.5.3. where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or
 - 11.3.1.5.4. you have objected to our use of your data, but we need to verify whether we have overriding legitimate grounds to use it.
- 11.3.1.6. **Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform on a contract with you.
- 11.3.1.7. **Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the

lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain Website access or Services to you. We will advise you if this is the case at the time you withdraw your consent. **Please take note that regardless of your right to withdraw consent under POPI, other South African legislation applies and may require that we continue to process your data in order to comply with anti-corruption, financial reporting, crime-fighting and/or other national legislation, which you expressly understand and agree to.**