

# Contesto

## ANNEXURE "B"

### SOCIAL MEDIA/WEBSITE PRIVACY POLICY

This Document is to be read with the Contesto Privacy Manual prefixed hereto.

#### 1. DEFINITIONS

In this Policy, unless the context requires otherwise, the following words and expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings. Any prior-defined terms shall bear the meaning assigned to them in the Company's main privacy policy.

**"Data Breach"** means a breach of security resulting in the accidental or unlawful destruction, loss of, disclosure of, variation or alteration of or access to, Personal Information under the control of or in the possession of Contesto;

**"Direct Marketing"** means to approach a person, by electronic communication, for the purpose of promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject;

**"Direct Marketer"** means a supplier who employs Direct Marketing as an advertising mechanism;

**"Employees"** means any employee of Contesto or any subsidiary;

**"Government"** means the Government of the Republic of South Africa;

**"Operator"** means a person or entity who Processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that Responsible Party;

**"Policy"** in this context means this Social-Media Privacy Policy read with the Company's Privacy Manual;

**"Third Party"** means any independent contractor, agent, consultant, sub-contractor or other representative of Contesto.

## **2. PURPOSE OF THIS POLICY**

2.1 The purpose of this Policy is to inform Data Subjects about how Contesto Processes their Personal Information whilst engaging on Social Media or Web-Platforms.

2.2 Contesto, in its capacity as Responsible Party (and/or Operator, where applicable), shall strive to observe, and comply with its obligations under POPIA when it Processes Personal Information from or in respect of a Data Subject.

2.3 This Policy applies to Personal Information collected by Contesto in connection with the products and services which Contesto provides. This includes information collected directly from you as a Data Subject, as well as information we collect indirectly through our service providers who collect your information on our behalf.

2.4 This Privacy Policy does not apply to the information practices of Third-Party companies who we may engage with in relation to our business operations (including, without limitation, their websites, platforms and/or applications) which we do not own or control; or individuals that Contesto does not manage or employ. These Third-Party sites may have their own privacy policies and terms and conditions and we encourage you to read them before using them. Examples of these platforms are Facebook, Instagram, Whatsapp and the likes.

## **3. PROCESS OF COLLECTING PERSONAL INFORMATION**

3.1 Contesto collects Personal Information directly from Data Subjects as and when required for a defined purpose, unless an exception is applicable (such as, for example, where the Data Subject has made the Personal Information public or the Personal Information is contained in or derived from a public record).

3.2 Contesto will always collect Personal Information in a manner consistent with the spirit and purports of POPIA.

3.3 Contesto often collects Personal Information directly from the Data Subject and/or from Third Parties. Where Contesto obtains Personal Information from Third Parties, Contesto will ensure that it obtains the consent of the Data Subject to do so or will only Process the Personal Information without the Data Subject's consent where Contesto is permitted to do so in terms of clause 3.1 above or the applicable law.

3.4 An example of such Third Parties includes: (i) recruitment agencies; (ii) other companies providing services to Contesto such as web-hosting and/or marketing companies; and (iii) where Contesto makes use of publicly available sources of information (e.g. the Companies and Intellectual Property Commission, an agency of the Department of Trade and Industry in South Africa (CIPC)).

#### **4. LAWFUL PROCESSING OF PERSONAL INFORMATION**

4.1 Where Contesto is the Responsible Party, it will only Process a Data Subject's Personal Information (other than for Special Personal Information) where –

4.1.1 consent of the Data Subject or a competent person is obtained;

4.1.2 Processing is necessary to carry out the actions for conclusion of a contract to which a Data Subject is party;

4.1.3 Processing complies with an obligation imposed by law on Contesto ;

4.1.4 Processing protects a legitimate interest of the Data Subject; and/or

4.1.5 Processing is necessary for pursuing the legitimate interests of Contesto or of a third party to whom the information is supplied.

4.2 Contesto will only Process Personal Information where one of the legal grounds referred to in paragraph 4.1 above are present.

4.3 Contesto will make the manner and reason for which the Personal Information will be Processed clear to the Data Subject.

4.4 Where Contesto is relying on a Data Subject's consent as the legal basis for Processing Personal Information, the Data Subject may withdraw his/her/its consent or may object to Contesto's Processing of the Personal Information at any time. However, this will not affect the lawfulness of any Processing carried out prior to the withdrawal of consent or any Processing justified by any other legal ground provided under POPIA.

4.5 If the consent is withdrawn or if there is otherwise a justified objection against the use or the Processing of such Personal Information, Contesto will ensure that the Personal Information is no longer Processed, unless it is required or authorised by law.

## **5. SPECIAL PERSONAL INFORMATION AND PERSONAL INFORMATION OF CHILDREN**

5.1 Special Personal Information is sensitive Personal Information of a Data Subject and Contesto acknowledges that it will generally not Process Special Personal Information unless –

5.1.1 Processing is carried out in accordance with the Data Subject's consent;

5.1.2 Processing is necessary for the establishment, exercise or defence of a right or obligation in law;

5.1.3 Processing is for historical, statistical or research purposes, subject to stipulated safeguards;

5.1.4 information has deliberately been made public by the Data Subject; or

5.1.5 specific authorisation applies in terms of POPIA.

5.2 Contesto acknowledges that it may not Process any Personal Information concerning a Child and will only do so where it has obtained the consent of the parent or guardian of that Child or where it is permitted to do so in accordance with applicable laws.

## **6. PURPOSE FOR PROCESSING PERSONAL INFORMATION**

6.1 Contesto understands its obligation to make Data Subjects aware of the fact that it is Processing their Personal Information and inform them of the purpose for which Contesto Processes such Personal Information.

6.2 Contesto will only Process a Data Subject's Personal Information for a specific, lawful and clear purpose (or for specific, lawful and clear purposes) and will ensure that it makes the Data Subject aware of such purpose(s) as far as possible.

6.3 It will ensure that there is a legal basis for the Processing of any Personal Information. Further, Contesto will ensure that Processing will relate only to the purpose for and of which the Data Subject has been made aware (and where relevant, consented to) and will not Process any Personal Information for any other purpose(s).

6.4 Contesto will generally use Personal Information for purposes required to operate and manage its normal operations and these purposes include one or more of the following non-exhaustive purposes –

6.4.1.1 for the purposes of providing its products or services to customers and where relevant, for purposes of doing appropriate customer onboarding and credit vetting

6.4.1.2 for purposes of onboarding suppliers or service providers as approved suppliers/service providers of Contesto. For this purpose, Contesto will also Process a service provider's/supplier's Personal Information for purposes of performing the necessary due diligence checks;

6.4.1.3 as part of the "Know Your Customer" / "KYC" process as per the requirements of the Financial Intelligence Centre Act, No. 38 of 2001;

6.4.1.4 generally for procurement and supply purposes;

6.4.1.5 for purposes of monitoring the use of Contesto's electronic systems and online platforms by Data Subjects. Contesto will, from time to time, engage third party service providers (who will Process the Data Subject's Personal Information on behalf of Contesto) to facilitate this;

6.4.1.6 for purposes of preventing, discovering and investigating violations of this Policy, the applicable law and other Contesto policies;

6.4.1.7 in connection with the execution of payment processing functions, including payment of Contesto's suppliers'/service providers' invoices;

6.4.1.8 for employment-related purposes such as recruiting staff, administering payroll, background checks, etc.;

6.4.1.9 in connection with internal audit purposes (i.e. ensuring that the appropriate internal controls are in place in order to mitigate the relevant risks, as well as to carry out any investigations where this is required);

6.4.1.10 in connection with external audit purposes. For this purpose, Contesto engages external service providers and, in so doing, shares Personal Information of the Data Subjects with third parties;

6.4.1.11 for company secretarial related purposes. For this purpose, Contesto will, from time to time, collect information relating to Data Subjects from third parties such as the Companies and Intellectual Property Commission, an agency of the Department of Trade and Industry in South Africa

6.4.1.12 for such other purposes to which the Data Subject may consent from time to time;

6.4.1.13 for such other purposes as authorised in terms of applicable law; and

6.4.1.14 to comply with any applicable law or any query from Government authorities, including any regulatory authority that has authority over Contesto .

## **7. KEEPING PERSONAL INFORMATION ACCURATE**

7.1 Contesto will take reasonable steps to ensure that all Personal Information is kept as accurate, complete and up to date as reasonably possible depending on the purpose for which Personal Information is collected or further processed.

7.2 Contesto may not always expressly request the Data Subject to verify and update his/her/its Personal Information unless this process is specifically necessary.

7.3 Contesto , however, expects that the Data Subject will notify Contesto from time to time in writing of any updates required in respect of his/her/its Personal Information.

## **8. STORAGE AND PROCESSING OF PERSONAL INFORMATION BY CONTESTO AND THIRD PARTY SERVICE PROVIDERS**

8.1 Contesto may store your Personal Information in hardcopy format and/or in electronic format using Contesto 's own secure on-site servers or other internally hosted technology. Your Personal Information may also be stored by Third Parties, via cloud services or other technology, with whom Contesto has contracted with, to support Contesto 's operations.

8.2 Contesto 's Third Party service providers, including data storage and processing providers, may from time to time also have access to a Data Subject's Personal Information in connection with purposes for which the Personal Information was initially collected to be Processed.

8.3 Contesto will ensure that such Third Party service providers will Process the Personal Information in accordance with the provisions of this Policy, all other relevant internal policies and procedures and POPIA.

8.4 These Third Parties do not use or have access to the Data Subject's Personal Information other than for purposes specified by Contesto , and Contesto requires such parties to employ at least the same level of security that Contesto uses to protect the Data Subject's personal data.

8.5 Your Personal Information may be Processed in South Africa or another country where Contesto , its affiliates and their Third Party service providers maintain servers and facilities and Contesto will take steps, including by way of contracts, to ensure that it continues to be protected, regardless of its location, in a manner consistent with the standards of protection required under applicable law, including POPIA

## **9 PERSONAL INFORMATION FOR DIRECT MARKETING PURPOSES**

9.1 To the extent that Contesto acts in its capacity as a Direct Marketer, it shall strive to observe, and comply with its obligations under POPIA when implementing principles and practices in relation to Direct Marketing.

9.2 Contesto acknowledges that it may only use Personal Information to contact the Data Subject for purposes of Direct Marketing from time to time where it is permissible to do so.

9.3 It may use Personal Information to contact any Data Subject and/or market Contesto 's services directly to the Data Subject(s) if the Data Subject is one of Contesto 's existing clients, the Data Subject has requested to receive marketing material from Contesto or Contesto has the Data Subject's consent to market its services directly to the Data Subject.

9.4 If the Data Subject is an existing client, Contesto will only use his/her/its Personal Information if it has obtained the Personal Information through the provision of a service to the Data Subject and only in relation to similar services to the ones Contesto previously provided to the Data Subject.

9.5 Contesto will ensure that a reasonable opportunity is given to the Data Subject to object to the use of their Personal Information for Contesto 's marketing purposes when collecting the Personal Information and on the occasion of each communication to the Data Subject for purposes of Direct Marketing.

9.6 Contesto will not use your Personal Information to send you marketing materials if you have requested not to receive them. If you request that we stop Processing your Personal Information for marketing purposes, Contesto shall do so. We encourage that such requests to opt-out of marketing be made via forms and links provided for that purpose in the marketing materials sent to you.

## **10. RETENTION OF PERSONAL INFORMATION**

10.1 Contesto may keep records of the Personal Information, correspondence, or comments it has collected in an electronic or hardcopy file format.

10.2 In terms of POPIA, Contesto may not retain Personal Information for a period longer than is necessary to achieve the purpose for which it was collected or processed and is required to delete, destroy (in such a way that it cannot be reconstructed) or de-identify the information as soon as is reasonably practicable once the purpose has been achieved. This prohibition will not apply in the following circumstances –

10.2.1 where the retention of the record is required or authorised by law or by any Government authority;

10.2.2 Contesto requires the record to fulfil its lawful functions or activities;

10.2.3 retention of the record is required by a contract between the parties thereto;

10.2.4 the Data Subject (or competent person, where the Data Subject is a Child) has consented to such longer retention; or

10.2.5 the record is retained for historical, research, archival or statistical purposes provided safeguards are put in place to prevent use for any other purpose. Accordingly, Contesto will, subject to the exceptions noted in this Policy, retain Personal Information for as long as necessary to fulfil the purposes for which that Personal Information was collected and/or as permitted or required by applicable law.

10.3 Where Contesto retains Personal Information for longer periods for statistical, historical, archival or research purposes, Contesto will ensure that appropriate safeguards have been put in place to ensure that all recorded Personal Information will continue to be Processed in accordance with this Policy and applicable laws.

10.4 Once the purpose for which the Personal Information was initially collected and Processed no longer applies or becomes obsolete, Contesto will ensure that the Personal Information is deleted, destroyed or de-identified sufficiently so that a person cannot re-identify such Personal Information. In instances where we de-identify your Personal Information, Contesto may use such de-identified information indefinitely.

## **11. FAILURE TO PROVIDE PERSONAL INFORMATION**

11.1 Should Contesto need to collect Personal Information by law or under its obligations as an employer or product or service provider, and you fail to provide the Personal Information when requested, we may be unable to perform our duties as an employer, in terms of the applicable law or in terms of providing the product to you.

11.2 Should Contesto need to collect Personal Information for any of the purposes set out in clause 11.1 and you fail to provide the Personal Information when requested, your failure to provide such Personal Information may have negative consequences, including that Contesto may not be able to effectively perform its obligations as an employer (where Contesto needs to Process your Personal Information in order to perform its obligations as an employer) or product or service provider (where Contesto needs to Process your Personal Information in order to provide you with its products or services), have to decline to

receive the relevant services from you as a supplier, and you will be notified where this is the case.

## **12. SAFE-KEEPING OF PERSONAL INFORMATION**

12.1 Contesto shall preserve the security of Personal Information and, in particular, prevent its alteration, loss and damage, or access by non-authorised third parties.

12.2 Contesto will ensure the security and integrity of Personal Information in its possession or under its control with appropriate, reasonable technical and organisational measures to prevent loss, unlawful access and unauthorised destruction of Personal Information.

12.3 Contesto has implemented physical, organisational, contractual and technological security measures (having regard to generally accepted information security practices or industry specific requirements or professional rules) to keep all Personal Information secure, including measures protecting any Personal Information from loss or theft, and unauthorised access, disclosure, copying, use or modification. Further, Contesto maintains and regularly verifies that the security measures are effective and regularly updates same in response to new risks.

## **13. BREACHES OF PERSONAL INFORMATION**

13.1 A Data Breach refers to any incident in terms of which reasonable grounds exist to believe that the Personal Information of a Data Subject has been accessed or acquired by any unauthorised person.

13.2 A Data Breach can happen for many reasons, which include: (a) loss or theft of data or equipment on which Personal Information is stored; (b) inappropriate access controls allowing unauthorised use; (c) equipment failure; (d) human error; (e) unforeseen circumstances, such as a fire or flood; (f) deliberate attacks on systems, such as hacking, viruses or phishing scams; and/or (g) alteration of Personal Information without permission and loss of availability of Personal Information.

13.3 Contesto will address any Data Breach in accordance with the terms of POPIA.

13.4 Contesto will notify the Regulator and the affected Data Subject (unless the applicable law or a Government authority requires that we delay notification to the Data Subject) in

writing in the event of a Data Breach (or a reasonable belief of a Data Breach) in respect of that Data Subject's Personal Information.

13.5 Contesto will provide such notification as soon as reasonably possible after it has become aware of any Data Breach in respect of such Data Subject's Personal Information.

13.6 Where Contesto acts as an 'Operator' for purposes of POPIA and should any Data Breach affect the data of Data Subjects whose information Contesto Processes as an Operator, Contesto shall (in terms of POPIA) notify the relevant Responsible Party immediately where there are reasonable grounds to believe that the Personal Information of relevant Data Subjects has been accessed or acquired by any unauthorised person.

#### **14. PROVISION OF PERSONAL INFORMATION TO THIRD PARTY SERVICE PROVIDERS**

14.1 Contesto may disclose Personal Information to Third Parties and will enter into written agreements with such Third Parties to ensure that they Process any Personal Information in accordance with the provisions of this Policy, and POPIA.

14.2 Contesto notes that such Third Parties may assist Contesto with the purposes listed in paragraph 6.3 above – for example, service providers may be used, inter alia,

14.2.1 for data storage;

14.2.2 to notify the Data Subjects of any pertinent information concerning Contesto .

14.2.3 for providing outsourced services to Contesto , including in respect of its (i) legal, (ii) data storage requirements and (iii) upskilling of its Employees; and/or

14.2.4 to assist Contesto with auditing processes (external auditors);

14.3 Contesto will disclose Personal Information with the consent of the Data Subject or if Contesto is permitted to do so without such consent in accordance with applicable laws.

14.4 Further, Contesto may also send Personal Information to a foreign jurisdiction outside of the Republic of South Africa, including for Processing and storage by Third Parties.

14.5 When Personal Information is transferred to a jurisdiction outside of the Republic of South Africa including to any cloud, data centre or server located outside of the South Africa, Contesto will obtain the necessary consent to transfer the Personal Information to such foreign jurisdiction or may transfer the Personal Information where Contesto is permitted to do so in accordance with the provisions applicable to cross-border flows of Personal Information under POPIA.

14.6 The Data Subject should also take note that the Processing of Personal Information in a foreign jurisdiction, if and to the extent such Processing does occur, may be subject to the laws of the country in which the Personal Information is held, and may be subject to disclosure to the governments, courts of law, enforcement or regulatory agencies of such other country, pursuant to the laws of such country.

## **15. USE OF WEBSITE COOKIES**

15.1 Our website uses cookies, which are small text files sent by a web server to store on a web browser. They are used to ensure websites function properly, store user preferences when needed and collect anonymous statistics on website usage.

15.2 You may refuse to accept cookies by activating the setting on your browser which allows you to refuse the setting of cookies. However, if you select this setting you may be unable to access certain parts of our website. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you log on to the website. If you accept a "cookie" or fail to deny the use of "cookies", you agree that we may use your personal information collected using "cookies" (subject to the provisions of this Policy). Where you either reject or decline cookies, you are informed that you may not be able to fully experience the interactive features of our website.

## **16. ACCESS TO PERSONAL INFORMATION**

16.1 POPIA read with the relevant provisions of the Promotion of Access to Information Act, No. 2 of 2000 ("**PAIA**") confers certain access rights on Data Subjects. Contesto ' PAIA Manual can be requested from the Information Officer. These rights include:

16.1.1 a right of access: a Data Subject having provided adequate proof of identity has the right to: (i) request a Responsible Party to confirm whether any Personal Information is held

about the Data Subject; and/or (ii) request from a Responsible Party a description of the Personal Information held by the Responsible Party including information about Third Parties who have or have had access to the Personal Information. A Data Subject may request

16.1.1.1 Contesto to confirm, free of charge, whether it holds any Personal Information about him/her/it; and

16.1.1.2 to obtain from Contesto the record or description of Personal Information concerning him/her/it and any information regarding the recipients or categories of recipients who have or had access to the Personal Information. Such record or description is to be provided: (a) within a reasonable time; and (b) in a reasonable manner and format and in a form that is generally understandable.

16.1.2 a right to request correction or deletion: a Data Subject may also request Contesto to –

16.1.2.1 correct or delete Personal Information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or

16.1.2.2 destroy or delete a record of Personal Information about the Data Subject that Contesto is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.

On receipt of such a request, Contesto is required to, as soon as is reasonably practicable –

16.1.2.2.1 correct the information;

16.1.2.2.2 delete or destroy the information;

16.1.2.2.3 provide the Data Subject with evidence in support of the information; or

16.1.2.2.4 where the Data Subject and Responsible Party cannot reach agreement on the request and if the Data Subject requests this, Contesto will take reasonable steps to attach to the information an indication that correction has been requested but has not been made;

16.1.3 a right to withdraw consent and to object to processing: a Data Subject that has previously consented to the Processing of his/her/its Personal Information has the right to withdraw such consent and may do so by providing Contesto with notice to such effect at the address set out in paragraph 20. Further, a Data Subject may object, on reasonable grounds, to the Processing of Personal Information relating to him/her/it.

16.2 Accordingly, Contesto may request the Data Subject to provide sufficient identification to permit access to, or provide information regarding the existence, use or disclosure of the Data Subject's Personal Information. Any such identifying information shall only be used for the purpose of facilitating access to or information regarding the Personal Information.

16.3 The Data Subject can request in writing to review any Personal Information about the Data Subject that Contesto holds including Personal Information that Contesto has collected, utilised or disclosed.

16.4 Contesto shall respond to these requests in accordance with POPIA and PAIA and provide the Data Subject with any such Personal Information to the extent required by law and any of Contesto 's policies and procedures which apply in terms of the PAIA.

16.5 The Data Subject can challenge the accuracy or completeness of his/her/its Personal Information in Contesto 's records at any time in accordance with the process set out in the PAIA Manual for accessing information.

16.6 If a Data Subject successfully demonstrates that their Personal Information in Contesto 's records is inaccurate or incomplete, Contesto will ensure that such Personal Information is amended or deleted as required (including by any Third Parties).

## **17. TIME PERIODS**

17.1 Contesto will respond to each written request of a Data Subject not later than 30 (thirty) days after receipt of such requests. Under certain circumstances, Contesto may, however, extend the original period of 30 days once for a further period of not more than 30 (thirty) days.

17.2 A Data Subject has the right to make a complaint to Contesto in respect of this time limit by contacting Contesto using the contact details provided in paragraph 20 below.

## **18. COSTS TO ACCESS TO PERSONAL INFORMATION**

The prescribed fees to be paid for copies of the Data Subject's Personal Information are as prescribed in Government Regulations from time to time.

## **19. CHANGES TO THIS POLICY**

19.1 Contesto reserves the right to make amendments to this Policy from time to time and will use reasonable efforts to notify Data Subjects of such amendments.

19.2 The current version of this Policy will govern the respective rights and obligations between the Data Subject and Contesto each time that the Data Subject access and use Contesto 's site.

## **20. CONTACTING US**

### **INFORMATION OFFICER DETAILS**

NAME: MR JOHANNES GEORGE FOURIE

TELEPHONE NUMBER: 011 431 2211

E-MAIL ADDRESS: INFO@CONTESTO.CO.ZA

### **DEPUTY INFORMATION OFFICER DETAILS**

NAME: MR KURT LOCHKAMPER

TELEPHONE NUMBER: 011 431 2211

E-MAIL ADDRESS: KURT@CONTESTO.CO.ZA

