

BRANDSATAFRKA

PRIVACY POLICY

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1. INTRODUCTION

- 1.1 We strive to deliver excellent service every time you shop with us, and to do this, we need to use some of your Personal Information. This Privacy Policy describes how we handle the Personal Information we collect about you and/or receive from you. By using our Platforms, you agree to the processing of your Personal Information as set out in this Privacy Policy.
- 1.2 This Privacy Policy applies to all users of our website, mobile sites and software applications, collectively referred to as “**our Platforms**”, which are used to access and purchase our products and services.
- 1.3 The purpose of this Privacy Policy is to set out how, why and when BRANDSATAFRKA (Pty) Ltd (“**s@afrika**”) uses your Personal Information so as to comply with the Protection of Personal Information Act 4 of 2013 (“**POPI**”).
- 1.4 This Privacy Policy should be read together with our other terms and conditions, privacy notices or policies we may provide from time to time when we collect or use your Personal Information.
- 1.5 Any users under the age of 18 years, must always get permission from their parent or guardian before you use our Platforms or prior to providing us with their Personal Information, to which permission may be verified. In the event that we are unable to verify such permission or if a parent or guardian confirms that you do not have their permission, they may not use our Platforms.
- 1.6 By agreeing to our Privacy Policy, you are agreeing to the terms as set out below.

2. INTERPRETATION

The headings in this Agreement are for the purpose of convenience and reference only and shall not be used in the interpretation of, nor modify, or amplify the terms of this Agreement nor any clause hereof. Unless a contrary intention clearly appears—

2.1 words importing—

2.1.1 any one gender includes the other genders;

2.1.2 the singular includes the plural and *vice versa*; and

2.1.3 persons include juristic entities, the state and *vice versa*;

2.2 the following terms shall have the meanings assigned to them hereunder and cognate expressions shall have corresponding meanings, namely—

2.2.1 "**Business Day**" means any day other than a Saturday, Sunday or official public holiday in the Republic of South Africa;

2.2.2 "**Personal Information**", and "process/processing" bear the same meanings as set out in POPI.

2.2.3 "**Platforms**" means websites through mobile sites or any software applications which are used to access and purchase our products and services

2.2.4 "**BRANDSATAFRKA**" means a private company, with registration number:_ 2021 / 725618 / 07 duly incorporated and registered in accordance with the laws of the Republic of South

2.2.5 "**Registered user(s)**" refers to anyone registered on our Platforms and has provided us with a unique email address and password as well as other Personal Information in order-to-order goods and services on our Platforms.

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

2.2.7 "**Subsidiary**" has the meaning ascribed to it in section 3 of the Companies Act;

- 2.2.8 “**We**”, “**Us**” or “**Our**” refers to BRANDSATAFRKA.
- 2.2.9 “**You**” and “**Your**” refers to every person that accesses or uses our Platforms also referred to as a user.
- 2.3 where any term is defined within the context of any particular clause in this Policy, the term so defined, unless it is clear from the clause in question that the term so defined has limited application to the relevant clause, shall bear the meaning ascribed to it for all purposes in terms of this Policy, notwithstanding that that term has not been defined in this interpretation clause;

3. PERSONAL INFORMATION COLLECTED

- 3.1 BRANDSATAFRKA processes Personal Information in a manner that is reasonable, adequate, relevant, non-excessive and purpose specific. For users to access and use our Platforms we collect and process some Personal Information. When you become a registered user, we must collect and process your Personal Information to render our services to you
- 3.2 When a party registers to use any of our platforms, the following personal information may be collected:
 - 3.2.1 Name and Surname;
 - 3.2.2 Email Address;
 - 3.2.3 Physical Address;
 - 3.2.4 Gender;
 - 3.2.5 Mobile Phone Number;
 - 3.2.6 Online Identifiers;
 - 3.2.7 Date Of Birth;
 - 3.2.8 Identification Number;

- 3.3 Should your Personal Information change or you wish to amend and/or correct this Personal Information you can do this by updating your registered user information in your account profile.
- 3.4 Each user warrants that the information they have provided is accurate, current, true, and correct and that does not impersonate or misrepresent any person or entity or falsely state or otherwise misrepresent your affiliation with anyone or anything.
- 3.5 When you access our Platforms, whether or not you are a registered user, **BRANDSATAFRKA** may process some of your Personal Information. Depending on how you access and use our Platforms, we may receive:
 - 3.5.1 log information, through online identifiers, including information on how, when and for how long you use our Platforms and other services, the content you view and search queries you submit;
 - 3.5.2 information about the equipment you use to access or use our Platforms, including the type of device you are using, how you access our Platforms, your browser or operating system and your Internet Protocol address;
 - 3.5.3 the geographic location from which you accessed our Platforms, including your device's global positioning system signal and

information about nearby Wi-Fi networks and cell towers. We get this information when you use location-enabled services; or

3.5.4 other information about you from third parties, such as social media.

4. PURPOSE OF PROCESSING YOUR PERSONAL INFORMATION

4.1 We process the Personal Information we collect and receive to:

4.1.1 identify you;

4.1.2 verify your identity;

4.1.3 create a user account for you;

4.1.4 delivery; or

4.1.5 enter into a contract with you.

4.2 As a registered user, we also process your Personal Information in order to:

4.2.1 fulfil our contractual obligations to you when you have ordered goods in order for us to deliver those goods and process returns.

4.2.2 provide you with information, products or services you request from us.

4.2.3 communicate with you regarding our Platforms and provide you with information, products or services, including billing, customer support, resolving complaints and quality control.

4.2.4 notify you about changes to our Platforms, services and products, terms and conditions, privacy policy or notices, and any other changes that impact our Platforms, services and products.

4.2.5 send you information about competitions, products or services that may interest you (unless you have opted out of receiving such information). Please note that you may also receive newsletters based

on your interests, recent orders and browsing behaviour. To unsubscribe from newsletters sent to you based on your recent orders and browsing behaviours, visit the Newsletter Subscriptions page under “My Account” or unsubscribe when receiving such a newsletter.

- 4.2.6 get feedback from you which we need to develop our products and services and grow our business.
- 4.2.7 comply with any legal or regulatory obligations such as tax or financial laws.
- 4.2.8 undertake research for statistical purposes. The research and statistics we get from this process do not include your Personal Information and cannot be linked to you, nor can you be identified from these statistics

5. RETENTION AND RESTRICTION OF OUR RECORDS

- 5.1 We keep your Personal Information for as long as:
 - 5.1.1 we need it to provide our Platforms, products, or services to you.
 - 5.1.2 it is required or allowed by law and is in line with our internal retention policies.
 - 5.1.3 it is necessary to uphold the contract between you and us.
 - 5.1.4 you have agreed to us keeping your Personal Information subject to your request for us to stop processing your Personal Information.
- 5.2 We will retain your Personal Information for as long as is necessary to achieve the purpose for which this information was collected or subsequently processed. If your Personal Information is used for more than one purpose, we will retain it until the purpose with the latest period expires

but we will stop using it for the purpose with a shorter period once that period expires.

- 5.3 By accessing and using the Platform, you consent to us retaining records of your Personal Information for no longer than may be necessary to achieve the purpose for which the information was initially collected or subsequently processed.

6. USER TRACKING AND COOKIES

- 6.1 When you access and use our Platforms, we may use various technological tools to improve your experience on our websites through the use of cookies and/or user tracking.
- 6.2 When you access and use our Platforms, we may use various technological tools to improve your experience on our websites using cookies and/or user tracking.
- 6.2.1 make our Platforms more user friendly.
- 6.2.2 personalise your interactions with our Platforms, tailor our services and Platforms to your interests and needs, and ensure they work on your device.
- 6.2.3 provide advertising that is relevant to you, limit the number of times you see the same advertisement and measure the effectiveness of the advertisements on our Platforms, and other websites, based on your online activities such as the websites and apps you use or content you view, and information we have about you.
- 6.2.4 send Opt-In marketing communication if you are not a registered user.
- 6.3 We will not use your Personal Information for any other purpose without your permission.

7. SHARING OF YOUR PERSONAL INFORMATION

- 7.1 We do not and will not sell your Personal Information to third parties for their marketing or any other purposes
- 7.2 We may, however, provide or make your Personal Information available to:
 - 7.2.1 our employees, the staff of the companies in and associated with BRANDSATAFRKA and/or third-party service providers in order to enable them to assist us to interact with you via our Platforms for the marketing, ordering or delivery of goods;
 - 7.2.2 law enforcement, government officials, fraud detection agencies or other third parties when the disclosure of Personal Information is necessary or appropriate in connection with an investigation of fraud, intellectual property infringements, or other activity that is illegal or may expose us to legal liability or financial loss, to report or support the investigation into suspected illegal activity;
 - 7.2.3 third parties (such as a potential purchaser and its professional advisors) in the event of any reorganization, merger, consolidation, sale, joint venture, or other disposition of any or all our assets;
 - 7.2.4 our service providers (under contract with us) who help with parts of our business operations (fraud prevention, marketing, public relations, technology services etc.); or
 - 7.2.5 our suppliers or sellers for them to consult directly with you regarding any goods you have purchased, for them to comply with their regulatory obligations, or for any other purpose which may require their involvement;
- 7.3 However, our contracts dictate that these service providers may only use your Personal Information in connection with the services they perform for

us and not for their own benefit or any other purpose and must treat such information as confidential information.

8. THE USE OF YOUR PERSONAL INFORMATION OUTSIDE OF RSA

- 8.1 We may transfer certain Personal Information outside the geographic borders of South Africa to service providers for purposes set out above in paragraph 4,
- 8.2 including for data storage and back-up purposes to ensure the integrity of our systems.
- 8.3 When we transfer your Personal Information outside of the geographic borders of South Africa, we will ensure that we do so in accordance with the requirements for lawful transfer outside of South Africa as set out in POPI.
- 8.4 By accessing and using our Platforms, you consent to us transferring your Personal Information outside of South Africa as set out in POPI.

9. SECURING YOUR PERSONAL INFORMATION

- 9.1 We secure the integrity and confidentiality of your Personal Information in our possession or under our control by taking appropriate, reasonable technical and organisational measures to prevent loss of damage to or
- 9.2 unauthorised destruction of Personal Information; and unlawful access to or processing of Personal Information.
- 9.3 To implement and maintain such measures, we have in place policies, controls and related processes, which are reviewed and updated on a regular basis.

10. LODGING A COMPLAINT WITH THE INFORMATION REGULATOR

- 10.1 If you have any complaints about this Privacy Policy or our compliance with this Privacy Policy, you can lodge a complaint with the Information Regulator.

- 10.2 The contact details of the Information Regulator are available on its website at: <https://justice.gov.za/infoereg/>

11. GENERAL

- 11.1 We may occasionally update this Privacy Policy. When you use our Platforms the version of the Privacy Policy posted on this page applies to you
- 11.2 Should you disclose your Personal Information to any third party other than BRANDSATAFRKA, BRANDSATAFRKA shall not be liable for any loss or damage arising or suffered by you because of the disclosure of such Personal Information to any third party. This is because we do not regulate or control how that third party uses your Personal Information. You should always ensure that you read the privacy policy of any third party.
- 11.3 You have the right to request us not to contact you for purposes of direct marketing by any form of electronic communication such as automatic calling machines, email and/or SMS notifications by “opting out” of any direct marketing communications we may send to you.