

YAXXA'S PRIVACY POLICY

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1. DEFINITIONS AND TERMINOLOGY

Some pertinent definitions are extracted from the POPI Act. Further definitions are available in the POPI legislative documentation, please mail kaldyn@yaxxa.co.za for further information.

“consent” means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information

“data subject” means the person to whom personal information relates.

“information officer” of, or in relation to a -

(a) public body means an information officer or deputy information officer as contemplated in terms of section 1 or 17; or

(b) private body means the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act

“operator” means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party.

“personal information” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person.

“processing” means any operation or activity or any set of operations, whether by automatic means or by non-automatic means, concerning personal information.

“public record” means a record that is accessible in the public domain, and which is in the possession of or under the control of a public body, whether or not it was created by that public body.

“Regulator” means the Information Regulator established in terms of section 39

2. INTRODUCTION AND PURPOSE

- 2.1 The purpose of this Privacy Policy is to provide our clients with information about YAXXA's privacy policies, processing policies and the way their rights are protected.
- 2.2 YAXXA binds all its employees, directors', suppliers, and third-party service providers who have access to our information systems to comply with this policy.
- 2.3 YAXXA respects the rights of our clients whose personal information is collected, including the right to protection against unlawful collection, retention, sharing and use of such personal information.
- 2.4 This Privacy Policy shall serve as notification of YAXXA's processing activities which will remain valid so long as you have an active account with YAXXA or are using YAXXA's services.
- 2.5 YAXXA may amend the provisions of this Privacy Policy to comply with any changes/additions to the relevant laws and/or to amend/ add any information to its privacy practices and processing policies.
- 2.6 This Privacy Policy and the enforcement thereof, will be governed by the laws of the Republic of South Africa.

3. RESPONSIBLE PARTY

- 3.1 YAXXA is the party responsible for collecting and processing your personal information and is designated as the "responsible party" for the purposes of this Privacy Policy.
- 3.2 YAXXA may from time to time instruct third parties to undertake certain processing activities on our behalf.
- 3.3 YAXXA's contact details are as per the below:
 - 3.2.1 Email: kaldyn@yaxxa.co.za
 - 3.2.2 Website: www.yaxxa.co.za
 - 3.2.3 Landline: 011 467 8414

4. TYPE OF PERSONAL INFORMATION COLLECTED

- 4.1 YAXXA uses personal information in different ways in our day-to-day normal business operations. This includes data concerning the following but not limited to:
 - 4.1.1 Personal information – such as your name, date of birth, home language, address, email address and contact information.
 - 4.1.2 Your contact with YAXXA – such as recordings or notes of calls you make to our company, an email you send us or records of any further contact you may have with us.
 - 4.1.3 Financial information – such as bank account details for billing/debit orders.

- 4.1.4 Account information – such current equipment types, dates of payments, invoices, or any other information related to your account.
- 4.2 The information supplied to YAXXA is voluntary and not mandatory. However, should you refuse to provide your personal information to YAXXA, there will be certain consequences that may occur from such refusal, such as preventing YAXXA from concluding any contracts or performing any services with you.
- 4.3 RICA, FICA and other legislation require and authorise YAXXA to collect relevant personal information.

5. PURPOSE/S OF COLLECTION AND PROCESSING OF PERSONAL INFORMATION

- 5.1 YAXXA shall only collect your personal information for a specific, lawful, and explicitly defined purpose relating to a function or activity of YAXXA's business.
- 5.2 Such purpose may include the following but not limited to:
 - 5.2.1 To perform any contractual obligations.
 - 5.2.2 To comply with a legal obligation.
 - 5.2.3 To enter into a contract with you.
 - 5.2.4 To protect its own legitimate interests or that of a third party with whom information is shared. (Unless the data subject has specifically objected to processing on personal information whether whole or partial).
 - 5.2.5 To protect your legitimate interest. (Unless you have specifically objected to processing on personal information whether whole or partial).
 - 5.2.6 To process personal information for direct marketing purposes. (Only if you have consented to receive direct marketing material.)
 - 5.2.7 To provide you with any service-related notices.
- 5.3 YAXXA will not sell or share any of your personal information to any third party without prior written consent, unless YAXXA has instructed a third party to undertake certain processing activities on our behalf.
- 5.4 Should YAXXA wish to process any further personal information that is not mentioned above in clause 5.2 above or which is otherwise not permitted automatically by law, YAXXA will not proceed without prior written consent from you.

6. PROCEDURE FOR COLLECTION OF PERSONAL INFORMATION

6.1 YAXXA shall as far as possible, collect the required personal information from you directly, except in but not limited to the following circumstances:

- 6.1.1 Where you have provided written consent for YAXXA to obtain your information from another source.
- 6.1.2 Where the personal information is already publicly available.
- 6.1.3 Where it is more practical to collect the information from another source and by so doing will not prejudice your interests.
- 6.1.4 Where the collection of your personal information from another source is necessary to maintain YAXXA's legitimate interest or those of any third party we intend on sharing the information with.

6.2 Where YAXXA collects information from another source it will ensure that full details are recorded in writing including full names and contact information of the source. (Where applicable.)

7. GENERAL CONDITIONS FOR PROCESSING PERSONAL INFORMATION

- 7.1 YAXXA shall comply with all the laws, regulations, and contracts when it processes your personal information.
- 7.2 YAXXA shall always respect your right to privacy.
- 7.3 YAXXA shall process personal information reasonably and fairly.
- 7.4 YAXXA will ensure that the rights and interests will not be unnecessarily prejudiced or infringed. In a case where it cannot be avoided, YAXXA will ensure that its own interests and/or rights justify such.
- 7.5 YAXXA shall ensure that all personal information that is collected and processed is relevant to an identified purpose, no excessive information will be collected or processed for achieving the identified purpose.
- 7.6 Should there be alternative ways to achieve the identified purpose without processing information, YAXXA shall not process that information.
- 7.7 If YAXXA no longer needs to process personal information to achieve the identified purpose, it will stop using such information.
- 7.8 YAXXA shall be entitled to store personal information indefinitely. If indefinite storage is objected to, once the identified purpose of the collection of personal information is achieved, YAXXA will destroy or delete such information.
- 7.9 YAXXA will only retain personal information longer than necessary if it is required by the law or if written consent has been provided.

8. DISCLOSURE AND SHARING OF PERSONAL INFORMATION

8.1 For the purposes of concluding or performing any services or transaction YAXXA may share certain relevant personal information with a third party for them to undertake certain processing activities on our behalf.

8.2 You consent to us sharing personal information to the following operators:

- 8.2.1 Operators used in delivering the products or services to you.
- 8.2.2 Law enforcement, courts, regulatory bodies, or other public authorities if YAXXA is required to or if it is authorised by law.
- 8.2.3 YAXXA will release information if it is in the interest of protecting itself against fraud, to protect its clients and to defend its rights or property.

8.3 Other than the above clauses, YAXXA will not share personal information without prior written consent.

9. FURTHER PROCESSING

9.1 YAXXA shall not process personal information for any purpose not previously specified except in the below circumstances:

- 9.1.1 Where further processing is necessary to fulfil contractual obligations.
- 9.1.2 Where further processing has been consented to.
- 9.1.3 Where further processing is relevant or linked to the original specified purpose.
- 9.1.4 Where further processing is necessary to enforce law or conduct legal proceedings.
- 9.1.5 Where further processing is necessary to the investigation, and prosecution/punishment of an offence.
- 9.1.6 Where further processing is necessary to prevent or mitigate an imminent threat to life or health of an individual.

9.2 YAXXA will ensure that should we intend on processing information for purposes other than previously stated, the data subject will be notified of such purposes and consequences thereof.

10. USER RIGHTS IN RELATION TO PROCESSING OF THEIR PERSONAL INFORMATION

- 10.1 Users have the below rights regarding the processing of their personal information.
- 10.1.1 To access any personal information held by YAXXA.
 - 10.1.2 To correct any personal information held by YAXXA.
 - 10.1.3 To object to the processing of their information.
 - 10.1.4 To lodge a complaint with Information Regulator at <https://justice.gov.za/inforeg/>.

11. ACCURACY, CORRECTNESS AND COMPLETENESS OF PERSONAL INFORMATION

- 11.1 Practical steps shall be taken by YAXXA to ensure that all personal information collected and processed is accurate, complete, updated, and not misleading.
- 11.2 It is however the data subject's responsibility to ensure that if they are aware of incorrect, or incomplete information in YAXXA's possession, that they must make a written request to YAXXA's information officer at kaldyn@yaxxa.co.za to update or correct the relevant information. YAXXA reserves the right to only accept the request for an update/change of information if will result in accurate and updated personal information.
- 11.3 If the accuracy of the personal information is contested by the data subject, YAXXA will immediately stop using that information until its accuracy has been identified.

12. SECURITY SAFEGUARDS

- 12.1 YAXXA is committed to protecting the personal information in its possession against loss or damage to or unauthorised access or destruction of such information.
- 12.2 Continuous risk assessments are conducted to identify and document any risks to the personal data in our possession.
- 12.3 Safeguards are implemented and are regularly reviewed to ensure that they are adequate and effective.
- 12.4 YAXXA shall ensure that all contracts entered with third party operators who process personal information on our behalf are aware and bound by the following:
 - 12.4.1 Operators shall not process personal information without YAXXA's knowledge and authority.
 - 12.4.2 Operators must treat all personal information as confidential and may not disclose to any third parties without YAXXA's consent.

- 12.4.3 Operator/s must notify YAXXA immediately where information has been or believed to be leaked or accessed by any unauthorised person/s.
- 12.4.4 Should the operator be situated in another country, it must comply and provide compliancy verification with the data protection laws of that country.
- 12.4.5 If an operator shares personal information that is processed by them because of a legal obligation, then YAXXA must be notified prior to this to ensure that YAXXA is able to protect its rights.
- 12.5 YAXXA shall ensure that all personal information on its systems is backed up and back-up copies are stored separately.

13. NOTIFICATION OF BREACH OF SECURITY

- 13.1 In the instance that YAXXA's security has been breached or that its personal information has been inadvertently leaked. YAXXA will immediately identify and contact the affected parties.
- 13.2 YAXXA will ensure that it provides sufficient information to the data subject so that they may adequately protect themselves against the potential consequences of the breach.

14. RETENTION OF INFORMATION

- 14.1 YAXXA shall be entitled to store personal information indefinitely. If indefinite storage is objected to, once the identified purpose of the collection of personal information is achieved, YAXXA will destroy or delete such information.
- 14.2 YAXXA will only retain personal information longer than necessary if it is required by the law or if written consent has been provided.

15. RETURNING, DESTROYING OR DELETING PERSONAL INFORMATION

- 15.1 Where YAXXA is no longer authorised to process personal information, it will:
 - 15.1.1 Return the information to the data subject or a third party if requested by the data subject.
 - 15.1.2 Ensure that the personal information is permanently destroyed/deleted as soon as reasonably possible.

16. COOKIES AND WEB POLICY

- 16.1 Cookies are small text files that are placed on your mobile device or computers by the sites that you visit. They do not collect personal information, but they do contain information that allow YAXXA to identify your device. The purpose of these cookies is to optimize your experience by allowing our website to

recognize your device and/or preferences. YAXXA may use cookies on our website for the below purposes:

- 16.1.1 To estimate web usage patterns and activity.
- 16.1.2 To distinguish users.
- 16.1.3 To store user preferences.
- 16.1.4 To speed up searches.
- 16.1.5 For technical maintenance and analytical purposes.
- 16.1.6 When completing forms on our website.
- 16.2 Users have the right to decline or accept the use of cookies on their devices however this may limit access to certain features on the website.
- 16.3 We automatically receive and record information on our server from your browser such as usage information, Internet Protocol, dates, and times etc.
- 16.4 These provisions of the above clause apply strictly to cookies and data collected by YAXXA. In some instances, third-party service providers may use cookies or other data collection on our website. The information collected is governed by their own privacy policies and not YAXXA's.

17. CONSENT

- 17.1 The data subject hereby consents to the processing of their personal information in terms of the provisions of this Privacy Policy.
- 17.2 Data subject acknowledges that such consent is voluntary and data subject has read and understood the provisions in this Privacy Policy regarding the below:
 - 17.2.1 The types of personal information to be processed.
 - 17.2.2 Specific processing activities to be undertaken by YAXXA and their specific purpose/s.
 - 17.2.3 Consequences or possible consequences from such processing.
- 17.3 Should the data subject wish to withdraw consent, this must be submitted in writing to YAXXA's compliance officer.