

# **D AND D THE CYCLE (PTY) LTD**

## **THE PROTECTION OF PERSONAL INFORMATION**

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## I. Protecting Personal Information

THE CYCLE has always been committed to provide an appropriate level of security and privacy for personal information about current, past and prospective data subjects (which would include customers, intermediaries, business partners and employees) that comes into its possession or custody.

## II. Scope

This Privacy Policy contains twelve principles that are to be adhered to by THE CYCLE regarding the processing, that is the collection, use, disclosure, storage and destruction of personal information about any natural (living) or juristic person (or any identifiable individual).

Information that has been rendered de-identified by the removal of information that would identify a specific data subject is not subject to this Policy.

## III. Basis and Objectives of the Privacy Policy

This Privacy Policy has the following objectives:

- It is a set of generic principles and objectives which govern and apply to the THE CYCLE in respect of the lawful processing of personal information, aimed at guiding and directing the THE CYCLE business units, and with which approach and basic rules the THE CYCLE businesses are to comply in order to process personal information lawfully. The responsibility to develop detailed practices and procedures (“Procedures”) and to implement this Privacy Policy vests solely with the respective THE CYCLE business units;
- It must satisfy all applicable local legal requirements and governance principles, which include:
  - The Constitution of the Republic of South Africa - Under South African law, an individual’s right to privacy is enshrined in the Constitution, which provides that everyone has the right to privacy which is however limited where reasonable and justifiable.

- The Protection of Personal Information Act, 2009 (PPI Act), which was enacted November 2013 by Parliament, and which is SA- specific standalone legislation dealing with privacy and protection of personal information in South Africa. The PPI Act is aimed at giving effect to and enhancing the constitutional right to privacy locally, as well as harmonizing with international practices and regulations.
  - PAIA gives effect to the constitutional right of access to any information held by the state or a private body, which information is required for the purpose of exercising or protecting a right. It is ancillary to privacy and online privacy policies. The essence of PAIA is that private bodies are required to allow access to their records under certain circumstances.
  - Other relevant legislation like the CPA, the National Credit Act, to the extent that they are relevant, as well as industry requirements (which will be detailed in various Industry Codes.
  - Long-standing common law principles governing privacy obligations.
  - The IT Governance Principles in the King III Report on Governance for SA, 2009 – these IT Governance Principles requires the Board of Directors to ensure that there are systems in place for the identification, management and security of all personal information.
- It must satisfy THE CYCLE's business objectives; and
  - It must reassure its customers/ employees/ data subjects that the Privacy Policy has been designed to dispel their privacy concerns and to make them feel comfortable conducting business with THE CYCLE.

#### IV. THE CYCLE's Twelve Privacy Principles

THE CYCLE has developed the following set of Privacy Principles governing the lawful processing of personal information applicable within THE CYCLE, which is within the framework of the minimum Conditions required by the PPI Act:

##### **Principle 1 – Accountability**

THE CYCLE will ensure that all processing of personal information is done in a responsible manner giving/ having due regard to the purpose of such processing.

##### **Principle 2 – Consent**

THE CYCLE will ensure that *voluntary, specific and informed* consent is obtained for the processing of personal information or that a demonstrable legitimate justification exists for the processing where consent is not obtained.

### **Principle 3 – *Processing/ Further Processing Limitations***

THE CYCLE will not engage in any unnecessary processing/ further processing of personal information that is not justifiable by reference to the purpose of the processing. In the event of further processing being required by THE CYCLE, additional consent will be obtained from the affected data subject.

### **Principle 4 – *Purpose Specification***

THE CYCLE will give due regard to the purpose of all personal information processed in establishing and maintaining the quality of such Personal Information and the retention thereof.

### **Principle 5 – *Openness***

THE CYCLE will maintain appropriate transparency in all its processing of personal information and keep all stakeholders informed where and when required to do so.

### **Principle 6 – *Information Quality / Accuracy***

THE CYCLE will take all reasonably practicable steps to ensure that the personal information is complete, accurate, not misleading and updated where necessary.

### **Principle 7 – *Security Safeguards***

THE CYCLE will protect the integrity and confidentiality of personal information processed and retained, and will implement measures to protect such information against unauthorized access or loss.

### **Principle 8 – *Data Subject Participation / Individual Access***

THE CYCLE will, upon receiving a request in writing, inform an individual of the existence, use, and disclosure of his / her personal information and will provide access to that information, except where the law requires or permits THE CYCLE to deny access.

### **Principle 9 – *Limits to Processing of legally prohibited and of Special Personal Information***

THE CYCLE will restrict the processing of any legally prohibited personal information, in particular certain special personal information, where such processing is prohibited by law, regulation or any standard (sectorial or industry) to which THE CYCLE subscribes.

### **Principle 10 – *Limits to Processing of Information relating to children***

THE CYCLE will apply enhanced diligence when processing personal information of children and other vulnerable persons.

### **Principle 11 – *Use of Information by Third Parties***

THE CYCLE will ensure that all third parties processing personal information on THE CYCLE's behalf adhere to these Principles.

### **Principle 12 – *Direct Marketing***

THE CYCLE will ensure that the rights of data subjects are protected in its direct marketing/ electronic communications.

## **V. Definitions**

For the purposes of this Privacy Policy:

**“child”** means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him-or herself.

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

**“CPA”** means the Consumer Protection Act, No. 68 of 2008.

**“cookies”** means small text files that are placed on your computer or mobile device by web sites that you visit.

**“data subject”** means the person to whom personal information relates, which includes customers and employees.

**“de-identify”**, in relation to personal information of a data subject, means to delete any information that identifies the data subject.

**“direct marketing”** means to approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject. It includes any promotions targeted to current, past or prospective customers whose personal information indicates that a certain product may be of interest to them. This includes any mail, e-mail or telephone sales initiatives. It does not include regular statements, announcements on electronic bulletin boards or on websites or notices sent directly to data subjects to satisfy regulatory requirements.

**“disclosure”** means making known or revealing personal information to any source outside THE CYCLE by any means.

**“ECTA”** means the Electronic Communication and Transactions Act, No. 25 of 2002.

**“electronic communication”** means any text, voice, sound or image message sent over an electronic communications network.

**“Information Officer”** means an information officer or deputy information officer, required by the PPI Act to be appointed to oversee compliance and whose name must be registered with the authorities (the Information Regulator).

**“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.

**“person”** means a living natural person or a juristic person

**“personal information”** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to the 48 personal data elements. This means any information about an identifiable individual, whether it was collected before or after publication of the Privacy Policy.

**“PAIA”** means the Promotion of Access to Information Act No.2 of 2000.

**“processing”** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including –

- (a) the collection, receipt, recording, organization, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- (b) dissemination by means of transmission, distribution or making available in any other form; or
- (c) merging, linking, as well as restriction, degradation, erasure or destruction of information;

**“Regulator”** means the Information Regulator established by the Department of Justice and Constitutional Development, who will deal with complaints about alleged violations of the PPI Act; non-compliance is a serious offence, carrying fines of R10m and/ imprisonment.

**“record”** means any recorded information regardless of form or medium in the possession or under the control of a responsible party.

**“responsible party”** means a public or private body or any other person which, determines the purpose of and means for processing personal information.

**“THE CYCLE”** means D and D THE CYCLE (Pty) Ltd and all its subsidiaries, that is any entity in which THE CYCLE holds, directly or indirectly, a 50% or greater share, and all members of the THE CYCLE Group.

**“special personal information”** means the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or the criminal behavior of a data subject to the extent that such information relates to -

- (i) the alleged commission by a data subject of any offence; or
- (ii) any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

**“third party”** means an individual or organization outside THE CYCLE, including an affiliate.

**“the PPI Act”** means The Protection of Personal Information Act, 2009.

**“48 personal data elements”** mean the following:

1. First name	21. Conscience	39. Blood type
2. Middle names	22. Beliefs/ philosophical beliefs	40. Biometric information
3. Last name	23. Culture	41. Trade union membership
4. Initials	24. Language	42. Personal opinions
5. Birth of the person	25. Education	43. Personal views
6. Age	26. Medical history	44. Personal preferences
7. Race / Colour	27. Financial history	45. Correspondence sent of a private or confidential nature
8. Gender	28. Criminal history	46. Views/opinions of/ another individual about a person
9. Sex life	29. Employment history	47. The name of the person if it appears with other personal information relating to the person
10. Pregnancy	30. Any identifying number	48. If disclosure of the name itself would reveal information about the person.
11. Marital status	31. Identifying symbol	
12. Nationality	32. E-mail address	
13. Ethnic origin	33. Physical address	
14. Social origin	34. Telephone number	
15. Sexual orientation	35. Location information	
16. Physical health	36. Online identifier	
17. Mental health	37. Other particular assignment to a person	
18. Well-being	38. Political persuasion	
19. Disability		
20. Religion		

## VI. Implementation of THE CYCLE's Privacy Principles

### Principle 1 – *Accountability*

**THE CYCLE will ensure that all processing of personal information is done in a responsible manner giving/ having due regard to the purpose of such processing.**

#### 1.1. Responsibility

- i. THE CYCLE must process all personal information responsibly and lawfully, in a reasonable manner, and only for a specific, explicitly defined and lawful purpose, which purpose the data subject is aware of. Reasonable measures must be taken to ensure he/she was aware of the information and of the purpose.
- ii. THE CYCLE ensures the establishment and implementation of:
  - procedures to protect personal information;
  - procedures to receive and respond to complaints and inquiries;
  - staff training and information programs to explain and to ensure the understanding of this Policy and related privacy policies and practices;
  - practices to ensure that customers and other individuals who contact the THE CYCLE offices or visit THE CYCLE website have access to this Privacy Policy and literature explaining the policies and procedures of THE CYCLE; and
  - a portfolio of evidence regarding the effective creation, training and implementation of policies, procedures and practices, to ensure the lawful implementation of THE CYCLE's Privacy Principles.

#### 1.2. Information Officer (*Daniel Clifford*)

- i. THE CYCLE is responsible for the personal information under its control, and in this regard the Information Officer of THE CYCLE is accountable for THE CYCLE's compliance with the PPI Act as well as the Privacy Principles described in this Policy. The Information Officer will be the point of contact for the Regulator on issues of compliance in THE CYCLE.
- ii. The Information Officer is entitled to delegate the day-to-day responsibility for administration of this Privacy Policy and related privacy policies and practices to other employees, but the Information Officer remains accountable under this principle.
- iii. THE CYCLE will from time to time disclose the name and contact details of the current Information Officer.

- iv. The Information Officer will be responsible to ensure that information audits, employee training, and IT security reviews are conducted, and that this Policy is implemented.

## Principle 2 – Consent

**THE CYCLE will ensure that informed, specific and voluntary consent is obtained for the processing of Personal Information or that a demonstrable legitimate justification exists for the processing where consent is not obtained.**

2.1. THE CYCLE will ensure that personal information is only processed if:

- a) the data subject or a competent person where the data subject is a child, consents to the processing;
- b) the processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party;
- c) the processing complies with an obligation imposed by law on the responsible party;
- d) processing protects a legitimate interest of the data subject;
- e) processing is necessary for the proper performance of a public law duty by a public body; or
- f) processing is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied.

## 2.2. Obtaining consent

- Except where limited exceptions apply, THE CYCLE will always make a reasonable effort to ensure that the individual is advised in advance of the purposes for which his or her personal information will be collected, used or disclosed. To make the individual's consent meaningful, THE CYCLE will state the purposes clearly and candidly, so that the individual can reasonably understand how the information will be used or disclosed.
- THE CYCLE will only require an individual to consent to the collection, use or disclosure of personal information that is necessary to fulfil explicitly specified and legitimate purposes.
- When establishing a relationship with an individual, THE CYCLE will obtain express consent for the proposed collection, use and disclosure of personal information concerning that individual.
- If THE CYCLE wishes to use personal information to market products and services to its customers, THE CYCLE will obtain the consent of the customer before proceeding.
- When a customer applies for a product or service and provides personal information, THE CYCLE must be able to:

- tell the customer that the personal information may be used by THE CYCLE or its subsidiaries or affiliates to market other products and services to the customer;
- describe the types of products or services that might be marketed to the customer;
- ask the customer for consent, telling him or her that this use of personal information is optional.

### 2.3. Consent will be clear, specific and unambiguous

- The forms used to obtain written consent, will clearly identify the purposes for the collection, use and disclosure of that individual’s personal information. The customer’s signature will be located in close proximity to information about the customer’s privacy choices. In addition, individuals must have the opportunity to “opt out” of certain collection, use or disclosure purposes.
- THE CYCLE employees involved in obtaining the consent of individuals to the collection, use or disclosure of their personal information will be adequately trained to explain the nature and scope of the consent sought by THE CYCLE. THE CYCLE will answer all questions about its purposes.
- With respect to personal information collected before publication of the Privacy Policy, THE CYCLE will make reasonable efforts to ensure that each individual customer who has not already expressly indicated his or her consent by signing a written consent form is invited to communicate with THE CYCLE in order to discuss the future collection, use and disclosure of their personal information.
- THE CYCLE will post this Privacy Policy on a website and provide a hypertext link URL, which will permit an individual to communicate directly with the Information Officer on issues concerning consent for collection, use or disclosure of personal information.
- An individual may withdraw his or her consent to collection, use or disclosure at any time, subject to legal or contractual restrictions and reasonable notice. THE CYCLE will inform the individual of the implications of such withdrawal of consent for the continued provision of financial services.
- THE CYCLE will not obtain consent by deception.

### 2.4. Express and implied consent

- An individual’s consent may be express or implied depending upon the circumstances and any applicable legal requirements, and may be communicated to THE CYCLE by an authorized representative, such as a legal guardian or a person with a power of attorney. Express consent may be signified to THE CYCLE face to face, over the telephone, by e-mail, facsimile, tick-box on a web site, or otherwise in writing. Implied consent may arise through action or inaction on the part of the individual.

- In some situations, THE CYCLE may advise individuals of the potential for implied consent should they not provide information to the contrary. In this event, THE CYCLE will provide these individuals with a convenient method of communicating their wishes. This may take the form of e-mail, voice-messaging or other communication channels. In some cases, a “check-off box” may be included on THE CYCLE application forms relating to certain financial services.
- Whatever mechanism THE CYCLE employs to seek express consent, it will fairly and reasonably draw the individual’s attention to the issue associated with the consent.

## 2.5. Withdrawing consent

In order to provide customers with products and services, it is necessary for THE CYCLE to be able to collect, use and disclose the customer’s personal information for certain clearly identified purposes. THE CYCLE obtains this consent during the application process. If the customer chooses not to consent to these uses of their personal information, THE CYCLE will explain the consequences of this refusal to the customer. For example, if the customer refuses their consent to a credit check, THE CYCLE may not be able to offer the customer products for which credit worthiness is relevant. THE CYCLE must share credit information with credit bureaus and other lenders in order to ensure the integrity of the credit approval process. As a result, the customer cannot withdraw their consent to this sharing of information, once the customer has a product with THE CYCLE for which credit worthiness is relevant.

## 2.6. Limited exceptions

For limited exceptions relating to consent for collection, use or disclosure of personal information, please refer to the Appendix.

### **Principle 3 – Processing/ Further Processing Limitations**

**THE CYCLE will not engage in any unnecessary processing/ further processing of personal information that is not justifiable by reference to the purpose of the processing.**

- i. THE CYCLE will ensure that the processing of personal information is:
  - (a) minimal, that is adequate, relevant, and not excessive; and
  - (b) is compatible with a legitimate purpose for which it has been collected.
- ii. THE CYCLE will limit the amount and type of personal information collected to that which is necessary for its purposes. It will collect personal information by fair and lawful means.
- iii. THE CYCLE will specify the type of information collected as part of the information handling policies and practices of THE CYCLE.
- iv. Although THE CYCLE will collect personal information primarily from the individuals concerned, THE CYCLE may also, with the individual’s consent,

collect information from external sources such as credit reporting agencies, credit grantors and income sources and personal references identified to THE CYCLE for this purpose. If personal information is collected from a third party, THE CYCLE will identify that party, unless there is a lawful reason for not doing so.

- v. THE CYCLE will not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required or permitted by law.

### 3.1. Retention

- i. Personal information will be retained only as long as necessary for the fulfilment of those purposes, except as otherwise required by law.
- ii. Personal information that THE CYCLE has used to make a decision about an individual will be retained long enough to allow the individual reasonable access to the information, after the decision has been made.
- iii. THE CYCLE maintains guidelines for the retention of an individual's personal information and will retain it only as long as necessary for the identified purposes or to meet legal requirements or policies.
- iv. THE CYCLE will destroy, or make anonymous by removing identifiable information, any personal information no longer needed for its stated purposes or for legal requirements or policies.
- v. The policies and procedures of THE CYCLE dictate how THE CYCLE will destroy personal information to prevent unauthorized access.

### 3.2. Disclosure of information required by governmental institutions, local and International Tax and Other Authorities

- i. Local and/or international tax authorities may require THE CYCLE to collect, process, use, disclose, share, record and report on certain personal information of customers/ employees for certain clearly identified purposes, usually for purposes of meeting legal and regulatory requirements, also for internal audit (including security) purposes. THE CYCLE obtains this consent during the application process.
- ii. In circumstances where THE CYCLE discloses information to a government institution that has identified its lawful authority to obtain the information, THE CYCLE will first verify that the government institution is entitled to compel such disclosure and, in any event, will take reasonable care to ensure that only the personal information that is legally required, and nothing more, is provided to the institution. THE CYCLE will disclose personal information to a government institution only where an official request has been received.
- iii. In certain circumstances, THE CYCLE may be ordered by a court to disclose personal information to a third party or to the court, or to preserve personal information pending the outcome of a legal hearing. In such circumstances, THE CYCLE will verify the legitimacy of the court order and will take reasonable

care to ensure that only the personal information that is required by the court order, and nothing more, is disclosed.

### 3.3. Use of Third Parties

THE CYCLE may use the services of any financial institution or other reliable third party of its choice as its agent or service provider in connection with the provision of data processing or other services. In particular, THE CYCLE may use other THE CYCLE Group companies and/or third parties in South Africa and in other countries to process personal information on its behalf.

### 3.4. Business Transactions

If THE CYCLE plans to enter into a business transaction or enters into a business transaction involving the purchase, sale, lease, merger or amalgamation of a business, it may collect, use or disclose personal information to facilitate the negotiation or completion of the transaction. In this case, THE CYCLE will only disclose personal information that relates directly to the part of the organization or its business assets that is covered by the business transaction. In addition, THE CYCLE will impose appropriate conditions on the use of the personal information by the party to whom the information is being transferred.

THE CYCLE should also during any due diligence processes, obtain the necessary warranties/ assurances that the target business has complied with all the required privacy legislation and requirements.

### 3.5. Use of Cookies

Cookies are widely used in order to recognise repeat visits to THE CYCLE's web sites. They provide information to the owners of the site, are useful as they allow a web site to recognize your device, facilitate your navigation between pages more efficiently, remember your preferences, and generally improve the working of web sites.

### 3.6. Recoding of Telephone Calls

Telephone calls to and from THE CYCLE may be recorded for quality assurance and as a record of the information exchanged.

## **Principle 4 – Purpose Specification**

**THE CYCLE will give due regard to the purpose of all personal information processed in establishing and maintaining the quality of such personal information and the retention thereof.**

4.1. THE CYCLE will ensure that Personal Information is of quality which is complete, not misleading, accurate, updated, and not retained any longer than is necessary to achieve the purpose for which the information was collected and processed.

4.2. THE CYCLE will identify and document the purposes for which personal information is collected, used and shared at or before the time the information is collected.

4.3. Depending on the specific circumstances, THE CYCLE may collect, use and share personal information for one or more of the following purposes:

- evaluate the application for products and services;
- open, operate and collect on the account(s);
- provide on-going service to the person as a customer;
- evaluate the current and future needs of its customers and to help manage its business;
- honour customers' privacy choices;
- maintain the accuracy and integrity of the credit reporting system;
- verify the identity;
- meet legal and regulatory requirements;
- conduct its internal audit (including security) functions – these functions allow THE CYCLE to monitor its systems and processes. This helps protect everyone from fraud, identity theft and unauthorized access to customers' accounts; and
- conduct statistical and record keeping operations.

4.4. When THE CYCLE and the customer establish a relationship, THE CYCLE will ensure that the purposes for which personal information is collected, used and disclosed are identified and documented. Thereafter, THE CYCLE will collect only personal information that is required for the purposes identified.

4.5. Circumstances may arise where THE CYCLE wishes to use or disclose personal information for a new purpose. THE CYCLE will ensure that personal information is not used or disclosed for that new purpose, unless the individual is informed of the new purpose and gives his or her consent. THE CYCLE will ensure that any customers' questions about the purpose of collecting, using or disclosing personal information are candidly and clearly answered.

4.6. The methods used to notify individuals of the proposed purposes for which personal information is collected, used or disclosed may include:

- telephone,
- face-to-face,
- written,
- electronic (e-mail) or,
- any other applicable method for communicating with individuals.

4.7. THE CYCLE will take special care to explain purposes for obtaining personal information which may not be familiar or obvious to the individual.

### **Principle 5 – Openness**

**THE CYCLE will maintain appropriate transparency in all its processing of personal information and keep all stakeholders informed where and when required to do so.**

5.1. THE CYCLE will inform the regulator (if so required) and persons to whom personal information relates, that THE CYCLE is processing personal information, for which THE CYCLE will appoint an appropriate person to implement the function as well as the monitoring thereof.

5.2. THE CYCLE will be open about its policies and procedures regarding management of personal information. THE CYCLE will ensure that individuals are reasonably able to acquire information about the policies and procedures of THE CYCLE and will make this information available in a form that is generally understandable.

5.3. Copies of this Privacy Policy will be made available upon request.

5.4. Other information THE CYCLE will make available includes:

- the name of the Information Officer and contact information;
- the means of gaining access to personal information held by THE CYCLE;
- a description of the type of personal information THE CYCLE holds;
- a copy of each brochure or other information that explains THE CYCLE policies or standards; and
- a description of the type of personal information that is made available to subsidiaries or affiliates of THE CYCLE.

5.5. THE CYCLE will publish information concerning its Privacy Policy and procedures on its websites.

### **Principle 6 – Information Quality / Accuracy**

**THE CYCLE will take all reasonably practicable steps to ensure that the personal information is complete, accurate, not misleading and updated where necessary.**

6.1. THE CYCLE will maintain personal information accurate, complete, and relevant for the purposes for which it is to be used.

6.2. THE CYCLE will make reasonable efforts to keep the personal information that is used on an on-going basis – including information that is disclosed to third parties – accurate and up-to-date. For this purpose, THE CYCLE will generally rely on individual customers to timeously provide THE CYCLE with updated information,

such as changes to customer addresses and other contact information. Individuals are therefore informed that they are responsible for providing THE CYCLE with accurate and complete information, and for contacting THE CYCLE if any correction of such information is required.

- 6.3. If a customer successfully demonstrates to THE CYCLE that personal information is inaccurate, incomplete, out of date, or irrelevant, THE CYCLE will revise or annotate the personal information. If necessary, THE CYCLE will disclose the revised or annotated personal information to appropriate third parties as required.

### **Principle 7 – Security Safeguards**

**THE CYCLE will protect the integrity and confidentiality of personal information processed and retained, and will implement measures to protect such information against unauthorized access.**

- 7.1. THE CYCLE will ensure the integrity and confidentiality of personal information in its possession/under its control, by taking appropriate technical and organizational measures and establishing and maintaining security measures against unauthorized or unlawful processing of personal information, as well as accidental loss or destruction of, or damage to personal information.
- 7.2. THE CYCLE will protect personal information with safeguards appropriate to the sensitivity of the information.
- 7.3. THE CYCLE has measures in place to monitor compliance with its privacy policies and procedures and to address privacy related risk assessments and verification of the implementation of safeguards, like audits.
- 7.4. THE CYCLE also has fairly mature Information Security Policies applicable to management and to end-users.
- 7.5. THE CYCLE acknowledges that Information Security has a critical role in establishing accountability within THE CYCLE, which underlies establishing Integrity and Confidentiality with all affected role players.
- 7.6. THE CYCLE employs security safeguards to protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification. THE CYCLE adequately addresses security measures to safeguard the privacy of personal information whether in electronic/ digital, paper or other forms.
- 7.7. The nature of these safeguards will vary depending on the sensitivity of the personal information that has been collected, the amount, distribution, and format of the information, and the method of storage.
- 7.8. The methods used to safeguard personal information may include:
  - physical measures, including locked filing cabinets and restricted access to offices;

- organizational measures, such as security clearances and limiting access to on a need to know” basis; technological measures, such as the use of passwords and encryption and/or,
- the development of a group-wide information security programme for privacy which addresses all of the above physical and other safeguards.

7.9. THE CYCLE will create awareness and educate all employees about the policies and procedures of THE CYCLE for protecting customers’ personal information and will ensure compliance with them.

7.10. When THE CYCLE discloses personal information to third parties for, data processing services, debt collection, market research, or for other goods and services, THE CYCLE will require in terms of a written contract that these third parties will ensure that the information is used only for authorized purposes. In addition, the third parties must ensure a method of safeguarding that is consistent with the measures and compliant of THE CYCLE with the Act.

7.11. THE CYCLE may disclose personal information to businesses such as credit bureaus, credit insurers and lenders with the customer’s consent. THE CYCLE will rely on the protection of credit reporting legislation to ensure that credit bureaus protect personal information.

7.12. THE CYCLE will use care in the disposal or destruction of personal information in order to prevent unauthorized access.

### **Principle 8 – Data Subject Participation/ Individual Access**

**THE CYCLE will inform an individual, upon written request, of the existence, use, and disclosure of his / her personal information and will provide access to that information, except where the law requires or permits THE CYCLE to deny access.**

- i. THE CYCLE will ensure data subject participation and to give the person to whom personal information relates, access to his/her information, by confirming that THE CYCLE holds their information and that she/he may request that information be corrected or destroyed if it is being kept longer than what is required.
- ii. THE CYCLE will respond to all requests within 30 days, but THE CYCLE may extend the time limit for a further thirty days if:
  - meeting the time limit would unreasonably interfere with the activities of THE CYCLE; or
  - the time required to undertake any consultations necessary to respond to the request would make the time limit impracticable to meet.
- iii. If THE CYCLE denies the customer’s request for access to personal information, THE CYCLE will tell the customer why. The customer may challenge the decision.

### **Principle 9 – *Limits to Processing of legally prohibited and of Special Personal Information***

**THE CYCLE will restrict the processing of any legally prohibited personal information, in particular certain special personal information, where such processing is prohibited by law, regulation or any standard (sectorial or industry) to which we subscribe.**

The PPI Act provides for a separate category of information called "Special Personal Information" which includes all information relating to a person's religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sexual life, biometric information or criminal behaviour.

THE CYCLE will not process any such special personal information unless authorized or as permitted by the Act, which include if it is carried out with the consent of the data subject, if processing thereof is necessary for the establishment or exercise of a right of legal obligation, if it is in compliance with an obligation of international public law, or if the processing is for historical, statistical or research purposes.

### **Principle 10 – *Limits to Processing of Information of children***

**THE CYCLE will apply enhanced diligence when processing personal information of children and other vulnerable persons.**

THE CYCLE will not process personal information of children (who are subject to parental control in terms of the law), unless as provided in the Act.

### **Principle 11 – *Use of Information by Third Parties***

**THE CYCLE will ensure that all third parties processing personal information on our behalf adhere to the THE CYCLE Principles.**

11.1. THE CYCLE will ensure that all third parties:

- adhere to the spirit of THE CYCLE's privacy objectives
- commensurate with their impact on the THE CYCLE brand.

11.2. THE CYCLE is responsible not only for personal information within its physical possession, but also that which THE CYCLE transfers to a third party for processing on its behalf. THE CYCLE will enter into written contracts with these third parties to ensure a comparable level of protection is in place while the personal information is being processed.

### **Principle 12 – *Direct Marketing***

**THE CYCLE will protect the rights of data subjects in respect of Direct Marketing (unsolicited electronic communication)**

THE CYCLE takes cognisance of the rights of data subjects regarding direct marketing by means of unsolicited electronic communications, directories and automated

decision making, and will implement all relevant legislation with regard to direct marketing and unsolicited electronic communications:

- The CPA deals with the consumer's right to restrict unwanted direct marketing while the ECTA regulates unsolicited electronic communications. The PPI Act now provides explicit regulation of electronic marketing from a data privacy perspective with regard to personal information.

Under the CPA, consumers have the right to pre-emptively block any direct marketing. Any consumer who has been sent any marketing communication may demand the persons responsible for initiating the communication desist from sending any further communication to them. The ECTA has similar provisions and specifically requires that each electronic message be accompanied by an option to cancel (i.e. opt-out) a subscription to a mailing list and also requires the sender of the message to provide specific identifying information, including name and contact information.

- Under the PPI Act, data subjects have certain rights with respect to unsolicited electronic communications (i.e. direct marketing by means of automatic calling machines, facsimile machines, SMSs or emails). The processing of the data subject's personal information for the purposes of direct marketing is prohibited unless the data subject has given its consent or the email recipient is a customer of the responsible party.

## VII. Appendix to the THE CYCLE Privacy Policy

### a. Exemptions

The Act does not apply to the processing of Personal Information-

- in the course of a purely personal or household activity,
- that has been de-identified (not to be able to be re-identified),
- by/on behalf of a public body and which involves national security/terrorist and related activities / defence / public safety / purpose is to prevent and detect unlawful activities, - there are adequate safeguards in legislation,
- by Cabinet bodies, - relating to judicial functions of a Court.
- if processing is exclusively for journalistic, literary or artistic expression.
- Traditionally, there has been an explicit opt-out, and companies have assumed people would like to be – by default – contacted for marketing purposes and the consumer had to opt out of being contacted. Companies will however now have to make use of an explicit opt-in component for marketing purposes. If you choose to opt in, then they can share the information with their marketing partners. They can't, however, sell such information on without the customer's specific opt-in.

### b. Transfer/Trans-border Information Flow

The increasing ease with which personal information can be transmitted outside the borders of a country of origin, has led to many international harmonisation efforts and a universal effort to regulate trans-border information flows. Privacy is therefore an important trade issue, as information privacy concerns can create a barrier to international trade and the free flow of information. Considering international trends and expectations, information privacy legislation will ensure SA's future participation in the information market, if it is regarded as providing adequate information protection by international standards.

The PPI Act now regulates this transfer of data. A responsible party (THE CYCLE) may not transfer personal information about a data subject to a third party in a foreign jurisdiction unless:

- the recipient is subject to a law or contract which upholds principles of reasonable processing of information that are substantially similar to those contained in the PPI Act relating to the transfer of personal information to third parties;
- the data subject consents to the transfer;
- the transfer is necessary for the performance of a contract between the data subject and responsible party; or

- the transfer is for the benefit of the data subject and it is not reasonably practicable to obtain the consent of the data subject to that transfer; and if it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

### c. Monitoring and Compliance

THE CYCLE monitors compliance with its privacy policies and procedures and has measures to address privacy related inquiries, complaints, disputes, and incidents.

### d. Complaints

- i. A data subject will be able to direct a challenge concerning compliance with the above principles to the Information Officer of THE CYCLE. THE CYCLE will establish procedures to receive and respond to inquiries or challenges to its policies and practices relating to the handling of personal information. These procedures will be easily accessible and simple to use.
- ii. THE CYCLE will inform customers of these procedures through brochures or other documents, which will be readily available and easy to understand. The complaint resolution process will be explained, and contact information for customers will be provided.
- iii. THE CYCLE will investigate all complaints. If THE CYCLE finds that a complaint is justified it will take appropriate measures, including, if necessary, amending its policies and practices.
- iv. On-going procedures are performed for monitoring the effectiveness of controls over personal information, based on a risk assessment, and for taking timely corrective actions where necessary.
- v. Instances of non-compliance with this Privacy Policy and any privacy procedures are documented and reported, and if needed, corrective and disciplinary measures are taken on a timely basis.

Effective: 1 November 2020