



# PRIVACY STATEMENT POLICY

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## 1. Introduction

XLink Communications (Pty) Ltd, trading as XLink, located at 3 Sandown Valley Crescent, Sandton, 2196, values your privacy and is committed to protecting the personal information you share with us. We implement reasonable measures to prevent unauthorised access, interception, or interference with your information. This Privacy Policy outlines how we collect, use, disclose, share, process, and store your personal information when you use our services or visit [www.xlink.co.za](http://www.xlink.co.za).

## 2. Purpose

This Privacy Policy demonstrates our dedication to safeguarding personal information, including compliance with the Protection of Personal Information Act 4 of 2013 (POPIA).

## 3. Changes to Privacy Policy

We regularly review and update our Privacy Policy to comply with evolving data protection laws and technological advancements. Updates will be posted on our website, and we encourage you to check back periodically.

## 4. XLink's Privacy Principles

We adhere to principled practices in handling personal information, ensuring accountability, fairness, openness, and giving you control over your information.

## 5. Scope

This Privacy Policy applies when you sign a contract with us, visit our website, fill out our 'Contact Us' form, attend our events, apply for vacancies, or subscribe to our services.

## 6. Personal Information

We collect personal information directly from you or from third parties with your consent, ensuring transparency and legality in its use.

## 7. Lawful Processing of Personal Information

We process personal information in accordance with POPIA's principles. We will ensure that any processing of your personal information is undertaken in accordance with the values of (i) accountability, honesty, integrity and consistency; (ii) limitation; (iii) purpose qualification; (iv) processing limitation; (v) quality; (vi) openness; (vii) security; and (viii) your participation.

### 7.1. The types of information we may process are, where applicable:

- Your name, address, phone and/or mobile number, your date of birth, gender, information about your property or household, and email address. Where you have provided us with the personal information of a third-party (for example your spouse or family member), you guarantee that such third-party has given you consent to provide us with their personal information. Where you provide us with the personal information of a person under the age of 18 years (a minor), you confirm that you have the necessary legal authority or is legally competent, to provide their personal information to us.
- Your credit or debit card information, information about your bank account and other banking information. For example, you'll have to give us this information when you open an account with us. We'll collect the personal information necessary to process a payment whenever you make a purchase.

- Your correspondence with us, such as a note or recording of a call you make to one of our contact centres, a Live Chat, an email or letter sent, or other records of any contact with us.
- Your account information.
- Credential information - we'll collect passwords, hints and similar security information used for authentication and access to accounts and services.
- Your preferences for particular products, services and lifestyle activities when you tell us what they are, or we assume what they are, based on how you use the products and services.
- See the 'Cookies' section for details on what we collect using cookies, web beacons and other technologies.
- Your data sessions - We keep a history of the sites you visit in line with our retention policy. This is to enable connection to be made and for billing purposes, fraud investigations, network and store planning, campaign planning, marketing specific products such as URL bundles, identify visits to competitor websites, and personalisation of services.
- Photographs and images when attending any of our events or functions or accessing premises with surveillance cameras.
- Information we obtain from other sources, such as credit agencies, fraud-prevention agencies, and from other data providers. This includes demographic data and interest-based data.

## 7.2 We'll also get information about how you use our products and services, such as:

- The level of service that you receive - for example, network or service faults and other events that may affect our network services or other services.
- Details of your use of the specific services or products, for example: every time you use your mobile phone, a record is kept. This includes the number you called or sent a text or picture message to, the length, date and time of that call, text or picture message and your approximate location at the time that the communication takes place (based on the location of the nearest cell tower that you sent that call or message from). The same is also recorded every time you receive an incoming call or message. We don't, however, keep a record of the content of your calls or messages.
- XLink may send you personalised marketing or show you personalised advertising if you have given permission for cookies and similar technologies to collect information such as categories of websites you have browsed on your mobile device or pc, for example, sports, music or news. You can opt out of advertising on websites you browse through cookie management. In the case of marketing, see 'To opt out of marketing messages' in the 'Your rights' section of this privacy policy.

## 8. Acceptance and Changes

By using our services or website, you accept this Privacy Policy and any updates. We notify you of changes through our website or social media channels.

## 9. Collection

We collect personal identifiable information when you use our services or website, including name, contact details, and business information, ensuring compliance with applicable laws.

## 10. Consequences of Violating This Policy

Non-compliance constitutes misconduct and may lead to disciplinary action and/ could lead to dismissal and/or further legal action being taken against the responsible XLink employee(s).

## 11. Use

We use personal information lawfully and minimally, respecting your privacy rights and ensuring its used for specified purposes.

Personal information is processed on the website. It emphasizes lawful and respectful processing that upholds user privacy rights. Information is collected only when necessary for specific purposes explicitly defined to users.

The use of cookies is disclosed; these small files enhance user experience by personalizing content based on collected information, though users have the option to manage or reject cookies, which may affect certain site functionalities.

Administrative and promotional messages may be sent based on user preferences, and external links are provided with a disclaimer, advising users to review the privacy policies of third-party sites. Personal data is further processed in alignment with its initial collection purpose to ensure transparency and accountability

### **11.1 We will use, process and analyse your personal information for the following purposes:**

#### **To provide you with your services**

- Processing your order and providing you with your products and services.
- To process the products and services you've bought from us, install equipment at your property or deliver equipment to you, and keep you updated with the progress of your order.
- To provide the relevant product or service to you. This includes other services not included in your agreement with us (PayPal, for example), services that use information about where you are, and to contact you with messages about changes to the products or services.

#### **Billing and customer care**

- To bill you for using our products and services, or to take the appropriate amount of credit from you.
- Contact you if the billing information you provided us with is about to expire or were not able to take payment.
- To respond to any questions or concerns you may have about our network, products or services.

#### **Service messages**

- We will contact you with customer service messages to keep you updated with current information about products and services you've taken. For example, changes to our terms and conditions or service interruptions.

#### **Improving and innovating our products and services**

- We collect anonymous, de-identified or aggregate information in order to improve the service we offer to everyone. None of these analytics can identify you individually or link back to you in any way.
- We conduct surveys to understand various aspects of our interaction with you, the use of our services and products and the network. .

## Managing our networks and understanding network usage

- To protect our networks and manage the volumes of calls, texts and other uses of our networks. For example, we identify peak periods of use so we can try and ensure the networks can handle the volume at those times.
- To understand how you use our networks, products and services. That way we can seek to review and improve these, and develop more interesting and relevant products and services, as well as personalising our products and services.

## Credit checks, fraud prevention and security

- We will sometimes need to profile you and make an automated decision, for credit, fraud, and security purposes. When we conduct such profiling or automated decision-making activities, we will do so in accordance with the provisions of the relevant legislation or lawful requirement

## Credit checks and ID

- We will carry out a credit check when you apply for a contract for any products or services with us.
- We will also use your personal information for identity verification purposes, for access to your account and for general account management. We sometimes supplement the information we collect about you with information from other sources (for example, home affairs, the voters roll and credit reference agencies) to assess the accuracy of the information that we hold.

## 12. Disclosure

We may share personal information with third parties as necessary to fulfill our services, always ensuring compliance with this Privacy Policy and applicable laws.

### 12.1 Third-Party Service Providers

We engage trusted third-party service providers to support various operational and business functions. These may include, but are not limited to, payroll processing, human resources management, recruitment and applicant tracking, IT infrastructure, training, and employee performance systems. In such cases, personal information may be processed on our behalf by these service providers, who are contractually obligated to implement appropriate security and confidentiality measures. All third-party processing is conducted in accordance with this Privacy Notice and applicable data protection laws. Where personal information is transferred across borders, appropriate safeguards are in place to ensure lawful processing in compliance with Section 72 of the Protection of Personal Information Act.

## 13. Storage

We maintain accurate, complete, and up-to-date personal information, storing it securely and in compliance with legal requirements.

**13.1 Accuracy:** We will make commercially reasonable efforts to ensure your personal information is accurate, complete, and up to date.

**13.2 Participation:** We may periodically request that you update your personal information or provide you with a means to review it. We will verify your identity to prevent unauthorized access during this process.

**13.3 Retention:** Your personal information will be kept only as long as necessary to meet our obligations to you, unless you authorise us to retain it longer, or we are legally permitted or required to do so.

**13.4 Transfer:** You consent to XLink processing your personal information in foreign countries, in compliance with applicable laws, particularly POPI. Our servers, suppliers, or service providers may be based outside of South Africa. While the European Economic Area is recognised for adequate data protection laws, other countries will have agreements to ensure compliance and protection of your personal information.

We have specialised security teams who constantly review, improve, and ensure the implementation of appropriate, reasonable technical and organisational measures to protect your personal information from unauthorised access, accidental loss, disclosure, or destruction. We are required in terms of PoPIA to notify you and the Information Regulator, if any of your personal information has been compromised.

Communications over the internet (such as emails) aren't secure unless they've been encrypted. Your communications may go through a number of countries before being delivered, as this is the nature of the internet.

We cannot accept responsibility for any unauthorised access or loss of personal information that is beyond our control.

We'll never ask for your secure personal or account information by an unsolicited means of communication. You're responsible for keeping your personal and account information secure and not sharing it with others.

Our website may provide links to third-party websites. We cannot be responsible for the security and content of such third-party websites. You are therefore required to make sure you read that company's privacy and cookies policies before using or putting your personal information on their site.

The same applies to any third-party websites or content you connect to using our products and services.

You may choose to disclose your information in certain ways such as social plug-ins (including those offered by Google, Facebook, Twitter and Pinterest) or using third-party services that allow you to post reviews or other information publicly, and a third party could use that information.

Social plug-ins and social applications are operated by the social network itself and are subject to their own terms of use, privacy and cookies policies. You should make sure you're familiar with these.

## **14. Exercising Your Rights**

You have rights to access, correct, or delete your personal information, which can be exercised by contacting us directly. In exercising the rights noted in this clause, data subjects are required to complete the Data Subject Request Form, accessible from Annexure A below, or from the XLink Data Privacy SharePoint.

All customers, XLink employees, and independent contractors must submit their completed forms to the Legal Team at [privacy@xlink.co.za](mailto:privacy@xlink.co.za) for assistance with the requested actions.

#### **14.1 Right to Correct Personal Information**

You have the right to correct any information we hold about you if it is inaccurate, outdated, excessive, irrelevant, or misleading. If you find that your information needs updating, you can either send an email to [privacy@xlink.co.za](mailto:privacy@xlink.co.za).

#### **14.2 Right to Restrict and Object Use of Your Personal Information**

If you believe that the personal information we have on file is inaccurate or that we should not be processing your personal information, please reach out to [privacy@xlink.co.za](mailto:privacy@xlink.co.za).

to discuss your rights. Under certain circumstances, such as when you dispute the accuracy of your information or when XLink no longer needs your information for its original purpose but must keep it for legal reasons, you have the right to request that we restrict the processing of your information.

#### **14.3 Right to Deletion**

XLink aims to process and retain your personal information only as long as necessary. In certain situations, such as when you indicate that your personal information is inaccurate, irrelevant, excessive, outdated, incomplete, misleading, or unlawfully obtained, you have the right to request its deletion. If you believe we are retaining your personal information longer than necessary, please first confirm that your contract with XLink has been terminated by contacting [privacy@xlink.co.za](mailto:privacy@xlink.co.za). Even if your contract has ended, there may still be legal grounds for us to process your personal information.

The Privacy and Legal Team must manage and respond to all requests within 30 calendar days of receiving the completed Data Subject Request Form. For more complex matters, a resolution time of up to two months is required, provided that the need for an extension is communicated within the initial 30-day period.

#### **14.4 To opt out of marketing messages**

If you no longer want to receive marketing messages from XLink, you can choose to opt out at any time. If you've previously opted in to receive personalised content based on how and where you use our network, you can also opt out at any time.

**Please note:** You may still receive marketing messages for up to 7 (seven) days after opting out while we update our records.

### **15. Retention Period of Personal Information and Unauthorised Access**

Despite our security measures, unauthorised access to personal information may occur, which we aim to prevent.

We may not retain your personal information any longer than is necessary for achieving the purpose for which your personal information was collected or subsequently processed, unless:

- The retention of your personal information is required or authorised by law.
- We reasonably require your personal information for lawful purposes related to our function or activities.
- The retention of your personal information is required by a contract that we enter into with you.
- You or a competent person consent to the retention of personal information relating to a child.

## **16. Cooperation with the Information Regulator**

We comply with POPIA by appointing an Information Officer and cooperating with regulatory authorities. **Section 5 (2)** of the Protection of Personal Information Act requires all responsible parties that access or process any form of personal information, to appoint an Information Officer at an executive level within the organisation, to ensure that the responsible parties are held accountable to the Information Regulator. Our duly certified Information Officer is registered with the Information Regulator in terms of the following details:

### **The Information Officer:**

**Name: Brian Anderson**

**Registration Number: 2024-002174**

## **17. Retention Period for Personal Information Collected**

**17.1** We retain personal information as required by law or for business purposes, ensuring compliance through data management tools.

**17.2** Once the engagement with us has terminated, we will retain the personal information for as long as is necessary to fulfil any legal or regulatory requirements (typically, for **5 (five)** years upon termination of the contract) and the purposes for which it was collected as prescribed by law.

**17.3** We will utilise Personal Data Processing Registers and tools to accurately measure the retention period for personal information and monitor the data mapping for the transfer and use of this personal information within the organisation

## **18. General**

We are not responsible for third-party privacy policies or practices. We maintain reasonable security measures, but we cannot guarantee data transmitted over the internet.

For questions or concerns about this Privacy Policy or your personal information, contact us at [privacy@xlink.co.za](mailto:privacy@xlink.co.za)

## **19. Complaints**

If you wish to contact us regarding any of your rights or believe that XLink has used your personal information in violation of applicable law, you may try to first resolve any concerns directly with XLink. You can reach our privacy team at [privacy@xlink.co.za](mailto:privacy@xlink.co.za). We will do our best to assist you.

Should you still be unhappy with the outcome, you have the right to lodge a complaint with the Information Regulator at:

### **The Information Regulator (South Africa)**

JD House  
27 Stiemens Street  
Braamfontein  
Johannesburg  
2001

**Complaints Emails:**

PAIA Complaints: [PAIAComplaints@inforegulator.org.za](mailto:PAIAComplaints@inforegulator.org.za)

POPIA Complaints: [POPIAComplaints@inforegulator.org.za](mailto:POPIAComplaints@inforegulator.org.za)