



# Fluxmans

# PRIVACY POLICY

## 1. INTRODUCTION

1.1 This privacy policy ("**this Policy**") explains how Fluxmans Inc. ("**Fluxmans**") protects and uses your Personal Information.

1.2 By providing Fluxmans with your Personal Information, you –

1.2.1 agree to this Policy and authorise Fluxmans to process such information as set out herein; and

1.2.2 authorise Fluxmans, its Associates, Fluxmans' Service Providers and other third parties to Process your Personal Information for the purposes stated in this Policy.

1.3 Please note that Fluxmans may review and update this Policy from time to time. The latest version of this Policy is available on request.

## 2. DEFINITIONS

2.1 "**Associates**" means Fluxmans' shareholders, Fluxmans subsidiaries and/or the directors, employees and consultants of Fluxmans or of any of its subsidiaries.

2.2 "**Operator**" means any person or entity that Processes Personal Information on behalf of the Responsible Party.

2.3 "**Person**" means "a natural person or a juristic person;

2.4 "**Personal Information**" means information that is about any Person, or from which any Person is directly or indirectly identifiable.

2.5 "**POPIA**" means the Protection of Personal Information Act 4 of 2013, as amended.

- 2.6 **"Process", "Processes", "Processing" or "Processed"** means anything that is done with any Personal Information, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
- 2.7 **"Responsible Party"** means the entity that decides how and why Personal Information is Processed.
- 2.8 **"Sensitive Personal Information"** means Personal Information about race or ethnicity, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health, sexual life, any actual or alleged criminal offences or penalties or any other information that may be deemed to be sensitive in terms of POPIA.
- 2.9 **"Service Provider"** means third party providers of various services whom Fluxmans engage.
- 2.10 **"Website"** means any website operated, or maintained, by Fluxmans or on Fluxmans' behalf.

### 3. **COLLECTION OF PERSONAL INFORMATION**

- 3.1 Fluxmans may collect or obtain Personal Information about you -
- 3.1.1 directly from you;
- 3.1.2 in the course of providing services to you;
- 3.1.3 when you visit and/or interact with Fluxmans' Website or Fluxmans' various social media platforms;

- 3.1.4 when you register to use any of Fluxmans' services including, but not limited to, newsletters;
  - 3.1.5 when Fluxmans performs any background check on you for the purpose of Fluxmans complying with its obligations in terms of the Financial Intelligence Centre Act 38 of 2001;
  - 3.1.6 when you interact with any third party content or advertising on Fluxmans' Website; or
  - 3.1.7 when you visit Fluxmans' offices.
- 3.2 Fluxmans may also receive Personal Information about you from third parties (e.g. law enforcement authorities).

#### **4. CATEGORIES OF PERSONAL INFORMATION FLUXMANS MAY PROCESS**

Fluxmans may process the following categories of Personal Information about you -

- 4.1 demographic information such as your gender, date of birth/age, nationality, salutation, title and/or language preferences;
- 4.2 identifier information such as your name, passport or national identity number, utility provider details, bank statements and/or tenancy agreements;
- 4.3 contact details such as your correspondence address, telephone number, email address and/or details of your public social media profile(s);
- 4.4 instruction details such as the details of individuals instructing Fluxmans, Personal Information included in correspondence, documents or other materials that Fluxmans Processes in the course of providing services;

- 4.5 attendance records such as the details of meetings and other events organised by or on behalf of Fluxmans that you have attended;
- 4.6 consent records such as records of any consents you may have given, together with the date and time, means of consent and any related information;
- 4.7 payment details such as your billing address, payment method, bank account number or credit card number, invoice records, payment records, SWIFT details, payment amount, payment date and/or records of cheques;
- 4.8 data relating to your visits to Fluxmans' Website: your device type; operating system; browser type; browser settings; IP address; language settings; dates and times of connecting to a Website and other technical communications information;
- 4.9 employer details such as where you interact with Fluxmans in your capacity as an employee of an organisation, the name, address, telephone number and/or email address of your employer (to the extent relevant); and/or
- 4.10 content and advertising data such as records of your interactions with Fluxmans' online advertising and content.

## **5. SENSITIVE PERSONAL INFORMATION**

Where Fluxmans Processes your Sensitive Personal Information, Fluxmans will do so in the ordinary course of Fluxmans' business, for a legitimate purpose, and in accordance with the POPIA.

## **6. PURPOSES OF PROCESSING AND LEGAL BASES FOR PROCESSING**

- 6.1 Fluxmans may Process your Personal Information in the ordinary course of the business of providing services. Fluxmans may subject your Personal Information to Processing during the course of various activities, including, without limitation, the following -

- 6.1.1 operating Fluxmans' business;
  - 6.1.2 compliance with applicable law and fraud prevention;
  - 6.1.3 transfer of information to Fluxmans' Service Providers and/or other third parties; and/or
  - 6.1.4 recruitment.
- 6.2 Fluxmans may process your Personal Information for relationship management and marketing purposes in relation to Fluxmans' services (including, but not limited to, Processing that is necessary for the development and improvement of Fluxmans' services).
- 6.3 Fluxmans may process your Personal Information for internal management and management reporting purposes, including but not limited to, conducting internal audits, conducting internal investigations, implementing internal business controls, providing central processing facilities, for insurance purposes and/or for management reporting analysis.
- 6.4 Fluxmans may Process your Personal Information for safety and security purposes.

## **7. DISCLOSURE OF PERSONAL INFORMATION TO THIRD PARTIES**

- 7.1 Fluxmans may disclose your Personal Information to Fluxmans' Associates and Service Providers, for legitimate business purposes, in accordance with applicable law and subject to applicable professional and regulatory requirements regarding confidentiality. In addition, Fluxmans may disclose your Personal Information -
- 7.1.1 if required by law;

- 7.1.2 legal and regulatory authorities, upon request, or for the purposes of reporting any actual or suspected breach of applicable law or regulation;
- 7.1.3 third party Operators (including, but not limited to, data processors such as providers of data hosting services and document review technology and services), located anywhere in the world;
- 7.1.4 where it is necessary for the purposes of, or in connection with, actual or threatened legal proceedings or establishment, exercise or defence of legal rights;
- 7.1.5 to any relevant party for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including but not limited to, safeguarding against, and the prevention of threats to public security;
- 7.1.6 to any relevant third party provider, where Fluxmans' Website uses third party advertising, plugins or content.
- 7.2 Should Fluxmans engage a third party Operator to Process any of your Personal Information, Fluxmans recognises that any Operator who is in a foreign country must be subject to a law, binding corporate rules or binding agreements which provide an adequate level of protection similar to POPIA. Fluxmans will review its relationships with Operators it engages and, should any applicable law require, Fluxmans will require such Operators to be bound by contractual obligations to -
  - 7.2.1 only Process such Personal Information in accordance with Fluxmans' prior written instructions; and
  - 7.2.2 use appropriate measures to protect the confidentiality and security of such Personal Information.

## 8. INTERNATIONAL TRANSFER OF PERSONAL INFORMATION

8.1 Fluxmans transfers and stores personal information in a region situated outside of the Republic of South Africa.

8.2 In this regard, Fluxmans commits to transferring personal information in accordance with section 72 of POPIA.

8.3 Section 72 of POPIA provides that personal information may only be transferred outside of the Republic of South Africa if the recipient organisation of the information is able to successfully implement and maintain a similar and “adequate level” of protection over the information that is transferred and subsequently received by it.

8.4 Personal information may be transferred to a region outside of the Republic if -

8.4.1 the transfer of the aforementioned personal information is necessary for the purposes of upholding a contractual obligation;

8.4.2 the data subject to whom the personal information relates, provides consent for the personal information to be transferred outside of the Republic.

8.5 If it is likely that the Data Subject to whom the personal information relates will give their consent to the transfer of personal information, obtaining such consent is not necessary as outlined in section 72(e)(ii) of POPIA.

## 9. DATA SECURITY

9.1 Fluxmans implements appropriate technical and organisational security measures to protect your Personal Information that is in Fluxmans' possession against accidental or unlawful destruction, loss, alteration, unauthorised disclosure and/or unauthorised access.

9.2 Where there are reasonable grounds to believe that your Personal Information that is in Fluxmans possession has been accessed or acquired by any unauthorised person, Fluxmans will notify the relevant regulator and you, unless a public body responsible for detection, prevention or investigation of offences or the relevant regulator informs Fluxmans that notifying you will impede a criminal investigation.

9.3 Given that the internet is an open system, the transmission of information via the internet is not completely secure. Although Fluxmans will implement all reasonable measures to protect your Personal Information that is in Fluxmans' possession, Fluxmans cannot guarantee the security of any information transmitted using the internet and Fluxmans cannot be held liable for any loss of privacy occurring during the course of such transmission.

## 10. **DATA ACCURACY**

The Personal Information provided to Fluxmans should be accurate, complete and up to date. Should Personal Information change, the onus is on the provider of such data to notify Fluxmans of the change and provide Fluxmans with the accurate data.

## 11. **DATA MINIMISATION**

Fluxmans will restrict its processing of Personal Information to data which is sufficient for the fulfilment of the primary and legitimate purpose for which it was collected.

## 12. **DATA RETENTION**

Fluxmans shall only retain and store Personal Information for the period for which the data is required to serve its primary purpose, a legitimate interest or for the period required to comply with an applicable legal requirement (whichever is longer).

## 13. **DIRECT MARKETING**

13.1 Fluxmans may Process your Personal Information for the purposes of providing you with information regarding services that may be of interest to you. You may unsubscribe for free at any time.

13.2 Should you currently receive marketing information from Fluxmans which you would prefer not to receive in the future, please email Fluxmans at [io@fluxmans.com](mailto:io@fluxmans.com).

## 14. **CONTACT DETAILS**

You may contact Fluxmans at –

**The Data Protection Officer – Fluxmans**

Attention: Ryszard Lisinski

Email: [io@fluxmans.com](mailto:io@fluxmans.com)