

EXTERNAL PRIVACY NOTICE

1. INTRODUCTION

- 1.1 LA Group Proprietary Limited is a private company registered in the Republic of South Africa (“**the company**”, “**we**” or “**us**”). For purposes of this Notice, ‘the company’ includes LA Group (Pty) Ltd, and its subsidiaries and affiliates, including Skye Distribution (Pty) Ltd, Polo Distribution (Pty) Ltd, Polo Management (Pty) Ltd, LA Retail Holdings (Pty) Ltd, L'uomo Atlantis Manufacturing (Pty) Ltd, LABR Holdings (Pty) Ltd and New Pier Trading (Pty) Ltd. We recognise the importance of privacy and the protection of personal information provided to us and are committed to safeguarding such information. The company will take all reasonable measures to comply with the Protection of Personal Information Act, 2013 (“**POPI**”), a data protection law applicable in South Africa.
- 1.2 This privacy notice (the “**Privacy Notice**”) explains how we collect and use your personal information, with whom it may be shared and what safeguards are in place to protect it. It also contains information regarding the rights of natural persons (and juristic persons, where applicable) to whom the personal information relates (“**data subject**” or “**you**”).
- 1.3 This Privacy Notice applies to the personal information the company obtains through any and all interactions with you, including when you:
- 1.3.1 are an existing or potential customer of the company;
 - 1.3.2 interact with our staff;
 - 1.3.3 visit or register an account on the websites, mobile applications or digital services operated by the company (collectively “the **Website(s)**”);
 - 1.3.4 interact with us on online and on social media platforms;
 - 1.3.5 contact us for general enquiries or request information, goods or services;
 - 1.3.6 have a subscription to one of our newsletters or participate in a promotional activity or loyalty program operated by us;
 - 1.3.7 agree to the terms and conditions of credit applications as a wholesale customer;
 - 1.3.8 supply goods or render services to the company as a supplier, vendor or service provider;
 - 1.3.9 are a licensee or licensor of the company;
 - 1.3.10 apply for employment with the company;
 - 1.3.11 are a current or former director, shareholder, employee (including contract, part-time and casual workers) or an independent contractor of the company; or

- 1.3.12 participate in any of the company's events.
- 1.4 This Privacy Notice applies to all personal information outlined above, whether it was provided to us through our Websites, including our mobile applications, through other forms of communication with you such as email, telephone, physical interactions in store or by third parties or tools that collect personal information.
- 1.5 The age requirement for engaging with the company in any manner outlined above is 18 years of age. By engaging with us, you warrant that you are capable of entering into binding contracts, that you are at least 18 years of age and that you have read, understood, accepted and agree to be bound by the terms of this Privacy Notice. To the extent required by applicable law, you must obtain parental or guardian consent if you are under 18 years of age prior to engaging with the company in any manner.
- 1.6 We reserve the right to amend this Privacy Notice or add provisions to it at any time by publishing an updated version on our Websites.

2. INFORMATION COLLECTED

- 2.1 'Personal information' refers to information relating to an identifiable, living, natural person (and where applicable, an identifiable existing juristic person) which includes, but is not limited to information relating to the gender, age, disability, birth, education, financial or employment history of the person, any identifying number, symbol, email address, physical address, telephone number, location information, online identifier, biometric information, personal preferences of a person, correspondence of a private or confidential nature and the name of the person if it appears with other personal information relating to that person.
- 2.2 The personal information we collect about you will depend on your relationship with us, the transaction you are completing, the reason you are communicating with us and the channel of communication.
- 2.3 We may collect personal information directly from you or from third parties (such as regulators, government authorities and registries, our agents, contractors and suppliers). Some information may also be generated internally by the company, such as a transaction record or phone conversations.
- 2.4 You are free not to communicate or share your personal information with us, however this might affect your relationship with us, the availability of the goods and services offered by us or our ability to perform in terms of a contract with you. Where the personal information requested is mandatory, we will not be able to perform our obligations or provide goods or services to you if such information is not provided. In other instances, providing the information may be optional, such as choosing to subscribe to a newsletter or to join a loyalty program. If you do not provide the information when it is optional, you will not receive the benefit of providing the information (e.g., the newsletter or benefits under the loyalty program). Unless specified otherwise, all personal information requested by the company is mandatory. If you are uncertain about which requests for personal information are mandatory, you are welcome to contact us.

2.5 You are responsible for any third-party personal information shared with us and confirm that you have the third party's consent to provide the personal information to the company.

2.6 **When you are a customer**

2.6.1 The company processes the personal information of its customers to enable the sale of its products, for which the company needs to enter into an agreement of sale with you, process your payment and deliver the products to you (if applicable). Processing may also be required for security purposes and fraud prevention, credit checks and registration.

2.6.2 In the course of engaging with and providing services to you, the company will be exposed to and collect your personal information which includes, but is not limited to, your name, gender, date of birth, contact details, country, city, billing address, delivery address, financial information, information regarding the subject matter with which you need assistance and other such other information as may be required to provide goods or render services to you.

2.6.3 the company may also collect additional information in relation to its wholesale customers, including but not limited to their company registration information, the names and contact details of your relevant staff members, registered and delivery addresses, VAT number, banking details, financial information, invoice specifications, order amount, payment status and credit record.

2.6.4 The company may record any telephone calls that occur between you and one of our representatives (including any of our call centres). These calls may be recorded to improve our service delivery, record your details and to comply with regulatory requirements.

2.6.5 If you visit our offices, retail stores or warehouses, we may process your personal information in order to protect the rights and security of our organisation, employees and visitors, in order to investigate crimes or violations of our policies or which is otherwise in our legitimate interests. The types of personal information which may be processed include surveillance and video images and the time and location of your visit.

2.7 **If you are a supplier, vendor or service provider of the company**

In the company's engagement with our suppliers, vendors and service providers, the company collects information regarding your company registration information, the names and contact details of your relevant staff members, registered and business addresses, banking details, VAT number, relevant registrations and any other information which may be relevant under the terms of our engagement with you.

2.8 **If you are a licensee or licensor of the company**

By virtue of the company's relationship with its licensors and licensees, the company collects and processes personal information regarding your company registration information, the names and contact details of your

relevant staff members, registered address, banking details, VAT number, details of the relevant licences and any other information which may be relevant under the terms of our licence agreement with you.

2.9 If you apply for employment at the company

As part of our recruitment processes, the company collects information from employment applicants. This information includes educational information as well as employment history. By enquiring about employment opportunities at the company or applying for employment, we infer that we are acting in your and our best interests when we process your personal information for recruitment purposes, which may include screening as well as background and reference checks by third parties. The types of personal information which may be collected, include but are not limited to, your personal details (including your name, address, date of birth, e-mail address and phone numbers), gender, biometric information, information used for equal opportunities monitoring, immigration information and other information contained in your resume and cover letter.

2.10 If you are a director, shareholder, employee or independent contractor of the company

If you are a current or former director, shareholder, employee (including contract, part-time and casual workers) or an independent contractor of the company, we may hold various types of personal information about you, including but not limited to your personal details (including your name, address, date of birth, e-mail address and phone numbers), gender, biometric information, information used for equal opportunities monitoring, immigration information, your photograph, marital status, details of your next of kin and their contact details, copies of your drivers' licence, identity document or passport, your medical or health information (including whether or not you have a disability), your bank account details, your income tax number, details of your medical aid membership, third party benefit recipient information, pension arrangements, leave records, details of your criminal record, call recordings, closed circuit television footage and data caught by IT security, building access records, employee claims, complaints and disclosures, current and previous job titles, remuneration, hours of work and other terms relating to your employment at the company.

2.11 Marketing and promotional material

2.11.1 The company may from time to time send marketing and promotional material to you. If necessary, we will obtain your consent before sending you newsletters, offers and other promotional material.

2.11.2 To provide you with marketing and promotional material, we process your personal information, including but not limited to your name, email address, age, gender, date of birth, nationality, telephone number, social media details, order history and preferences, promotional information and other technical information.

2.11.3 Recipients may opt out from receiving such communications by contacting us at the details provided in clause 10 below or by clicking on the opt-out link that will be contained in the relevant electronic communication.

2.12 **Loyalty programs**

- 2.12.1 The company may also collect personal information provided by you when you sign up to one of the loyalty programs offered by our brands. The personal information collected in signing up for such loyalty program include your name, surname, e-mail address, mobile phone number, address, city, country, postal code, date of birth, gender and your personal opinions and preferences, and your contact list. You may provide us with this personal information when you complete a registration card in a retail store or online or when you complete a survey.
- 2.12.2 In signing up to join a loyalty program, you consent to your personal information being included in our marketing database for the purposes of keeping you up to date with our latest products and special offers. Your contact list is accessed with your permission in order to facilitate the issue of gift cards. You can disable access to this information at any time through your device settings. Members of loyalty programs may also complete optional surveys relating to their personal fashion preferences.
- 2.12.3 You may withdraw your consent to such processing at any time by following the opt-out link included in the confirmation email or SMS sent to you, by contacting your nearest store or by contacting the company using the contact details set out in clause 10.
- 2.12.4 You may only sign up for a loyalty program if you are at least 18 years of age. If you are a minor, you may not sign up for a loyalty program without the consent of your parent or legal guardian.

2.13 **On Our Websites**

- 2.13.1 By accessing the Websites, which includes our mobile applications, and in addition to any other terms and conditions that may be contained on the Websites, you accept and agree to this Privacy Notice and expressly consent to the use and disclosure of your personal information in accordance with the provisions of this Privacy Notice. If you do not agree to the provisions of this Privacy Notice or any other terms and conditions contained on the Websites, you may not access or use our Websites.
- 2.13.2 Our Websites may contain links to other websites. This Privacy Notice does not apply to the use of third party websites. The company is not responsible for the privacy practices of third parties, which are subject to their respective privacy notices.
- 2.13.3 If you register with the Website, we will collect and use the personal information you provide to us. If you access the Websites without giving us any personal information, your interaction with us on the Websites may still result in the collection of information regarding your activities on the Websites (e.g. by means of cookies and usage data). Similarly, we may collect information when you engage with us via any one of our social media platforms.

2.14 **Cookies and Usage Data**

2.14.1 Our Websites make use of cookies to collect data. Cookies store information regarding the Website's visitors and their use of the Website. Cookies have various purposes, such as improving the user's experience on the Website and to facilitate the user's use of the Websites.

2.14.2 You may disable or decline cookies. However, if you choose to do so, you might not be able to use the Websites properly and certain aspects of the Websites might not function.

2.14.3 For purposes of this Privacy Notice, 'Usage Data' includes information automatically collected through the Website which may include: the IP addresses or domain names of the computers utilised by users who use the Website, the URI addresses (Uniform Resource Identifier), the time of the request, the method utilised to submit the request to the server, the size of the file received in response, the numerical code indicating the status of the server's answer (successful outcome, error, etc.), the country of origin, the features of the browser and the operating system utilised by the user, the various time details per visit (e.g. the time spent on each page within the Website) and the details about the path followed within the Website with special reference to the sequence of pages visited, and other parameters about the device operating system and/or the user's IT environment.

2.15 **Analytics**

The company uses various analytical services to monitor and analyse web traffic and to keep track of the behaviour of the users of its Websites, including but not limited to:

2.15.1 **Google Analytics**

Google Analytics is a web analysis service provided by Google LLC or by Google Ireland Limited, depending on the location the Website is accessed from (**Google**). Google utilises the personal information collected to track and examine the use of this Website, to prepare reports on its activities and share them with other Google services. Google may use the personal information collected to contextualise and personalise the ads of its own advertising network.

Personal Information collected: Cookies; Usage Data.

Place of processing: United States.

2.15.2 **Facebook Analytics for Apps (Facebook, Inc.)**

Facebook Analytics for Apps is an analytics service provided by Facebook, Inc.

Personal Information collected: Usage Data; various types of personal information as specified in the privacy policy of the service.

Place of processing: United States.

2.15.3 Interaction with external social networks and platforms

This type of service allows interaction with social networks or other external platforms directly from the pages of the Website. The interaction and information obtained through the Website are always subject to your privacy settings for each social network. This type of service might still collect traffic data for the pages where the service is installed, even when you do not use it.

2.15.4 Registration and authentication

By registering or authenticating, you allow this Website to identify you and give you access to dedicated services. Depending on the circumstances, third parties may provide registration and authentication services. In this case, the Website will be able to access some personal information, stored by these third-party services, for registration or identification purposes.

2.15.5 Direct registration

You register on this Website by filling out the registration form and providing the personal information directly to the Website.

Personal information collected: address; billing address; city; country; date of birth; email address; gender; last name; password.

2.16 Statutory Obligations

We may be obliged to collect your personal information in terms of various laws, including the Consumer Protection Act, 2008, the National Credit Act, 2005, the Labour Relations Act, 1995, the Basic Conditions of Employment Act, 1997, the Broad-Based Black Economic Empowerment Act, 2003, the Companies Act, 2008, the Unemployment Insurance Act, 2001, the Value-added Tax Act, 1991, the Income Tax Act, 1962, the Financial Intelligence Centre Act, 2001 and the Electronic Communications and Transactions Act, 2002.

3. PURPOSE FOR WHICH PERSONAL INFORMATION IS USED

3.1 Depending on our relationship with you, the purpose for which we process your personal information may differ. You may contact us to clarify the specific legal basis that applies to the processing of your personal information. The purpose for which we process your personal information may include, but is not limited to:

3.1.1 to process transactions with customers, suppliers, service providers, vendors and job applicants;

3.1.2 to process purchases, deliveries, returns, exchanges and applications;

3.1.3 manage our customer relationship with you and to provide customer support services to you;

- 3.1.4 manage our loyalty programs and facilitate the issue of gift cards;
 - 3.1.5 improving the goods and services offered by us as well as your experience when using the Websites;
 - 3.1.6 Website analytics, registration and authentication;
 - 3.1.7 perform in terms of an agreement with you and/or for any pre-contractual obligations thereof;
 - 3.1.8 operate our business and comply with our contractual obligations with third parties;
 - 3.1.9 marketing and to promote and advertise products and services to you;
 - 3.1.10 market research, including online surveys conducted by the company or by third parties appointed by the company;
 - 3.1.11 interaction with external social networks and platforms;
 - 3.1.12 communicating with you for our internal purposes;
 - 3.1.13 comply with legal or regulatory obligations;
 - 3.1.14 act in the legitimate interests of us, you or a third party;
 - 3.1.15 instances where you have provided your explicit consent;
 - 3.1.16 to process your opt-out instruction;
 - 3.1.17 exercise and defend legal rights;
 - 3.1.18 implement our safety and security measures;
 - 3.1.19 conduct research; and
 - 3.1.20 if the processing is allowed by law.
- 3.2 We do not engage in any automated decision-making.

4. RETENTION

- 4.1 The company will process the personal information collected from you at their operating offices and in any other place where the parties involved in processing are located.
- 4.2 Your personal information will be processed and stored for as long as required by the purpose it has been collected for pursuant to the provisions of this Privacy Notice and as long as required by applicable law.
- 4.3 Personal information collected for purposes related to the performance of a contract between us and you will be retained until such contract has been performed. Personal information collected for the purpose of our legitimate interests will be retained as long as needed to fulfil such purposes.

- 4.4 We may retain personal information for a longer period in instances where you have given consent to such processing, and where such consent has not been withdrawn. We may also be required to retain your personal information for a longer period when required to do so in the performance of a legal obligation, in accordance with tax or accounting requirements or upon the order of a court order.
- 4.5 Once the retention period expires, your personal information will be deleted. Therefore, the right to access, the right to erasure and the right to rectification cannot be enforced after expiration of the retention period.

5. DISCLOSURE OF PERSONAL INFORMATION

- 5.1 We may share your personal information with associated companies within the group, where such disclosure is necessary to provide you with services or to manage its business operations. Your personal information is accessed by our employees with a relevant need to do so.
- 5.2 We may release your personal information or disclose it to third parties in certain circumstances, including, but not limited to the following:
- 5.2.1 if we are required or authorised to do so by law or a court order;
 - 5.2.2 in order for the company to enforce its rights;
 - 5.2.3 in order to manage our business operations; and
 - 5.2.4 in order for us to provide goods or services to you.
- 5.3 Depending on our relationship with you, we may disclose your personal information to the following third parties:
- 5.3.1 our affiliates and associated companies within the group;
 - 5.3.2 third party service providers, for example online payment service providers and IT consultancies;
 - 5.3.3 third parties who provide research services to the company; and
 - 5.3.4 our licensors and licensees;
 - 5.3.5 government authorities and registries, organs of state, regulators, courts, tribunals and law enforcement agencies.
- 5.4 Our third party service providers have agreed to confidentiality restrictions and use any personal information shared with them or which they collect on our behalf solely for the purpose of providing the contracted service to us.
- 5.5 We may share non-personal information in aggregate statistical form regarding the visitors to the Websites, traffic patterns and website usage with our partners, affiliates and advertisers.
- 5.6 If we should sell or transfer some or all of our business or assets to a third party in future, we may disclose information to a potential or actual third party purchaser of our business or assets.

6. SECURITY

- 6.1 We use systems that are sufficiently secure with reference to accepted technological standards from time to time.
- 6.2 We will secure the integrity and confidentiality of your personal information in our possession and under our control by taking appropriate, reasonable technical and organisational security measures to prevent: (i) loss of, damage to or unauthorised destruction of personal information; and (ii) unlawful access to or processing of personal information.
- 6.3 We routinely review our operations in order to ensure that personal information is adequately protected.

7. TRANSFER OF PERSONAL INFORMATION

- 7.1 Personal information collected by us may be transferred to natural or legal persons in other countries.
- 7.2 If we do so, we will transfer the personal information only for the purposes described in this Privacy Notice. Only the personal information that is necessary to fulfil such purpose will be transferred.
- 7.3 We will take reasonable steps ensure that such third parties have appropriate privacy measures in place and that transfers of personal information are in accordance with applicable law and carefully managed to protect your privacy rights and interests.
- 7.4 We will be entitled to share your personal information with our licensors, for the purposes set out in this Privacy Notice. Upon the termination of the relationship or agreement between us and our licensors, your personal information will be transferred from us to our licensors and such personal information shall be subject to our licensors' then current privacy notices. You consent to such transfer and acknowledge that your personal information may be transferred to any of the countries in which our licensors are situated.

8. DATA PROTECTION RIGHTS

- 8.1 You may exercise certain rights regarding your personal information processed by us. In particular, subject to applicable law, you have the right to do the following:
 - 8.1.1 the right to access personal information by learning if your personal information is being processed by us, obtain disclosure regarding certain aspects of the processing and requesting a copy of your personal information undergoing processing;
 - 8.1.2 the right to rectify personal information by requesting that any inaccurate information is corrected or that any incomplete information is supplemented;
 - 8.1.3 the right to erase personal information in certain circumstances;
 - 8.1.4 the right to restrict the processing of personal information under

certain circumstances, in which case we will not process your personal information for any purpose other than storing it;

- 8.1.5 the right to object to the processing of personal information, if the processing of your personal information is carried out on a legal basis other than consent;
- 8.1.6 the right to object how we use your personal information for direct marketing purposes;
- 8.1.7 the right to receive your personal information in a structured, commonly used and machine-readable format and, if technically feasible, to have it transmitted to another responsible party, provided that the personal information is processed by automated means and that the processing is based on their consent, on a contract with them or is part of a pre-contractual obligation thereof; and
- 8.1.8 the right to lodge a complaint with a competent supervisory authority.
- 8.2 In some instances, you may withdraw your consent for processing. This withdrawal will have no effect on any lawful processing of your personal information preceding such withdrawal.
- 8.3 If you wish to exercise your rights, you can contact us on the details provided in clause 10 below. We may charge you a fee for accessing, amending or deleting your personal information. You will be advised of this fee in advance, if applicable.
- 8.4 In South Africa, the competent supervisory authority is the Information Regulator, which may be contacted at:
<https://justice.gov.za/inforeg/contact.html>.

9. SPECIAL PERSONAL INFORMATION

- 9.1 “Special personal information” is defined in POPI as information that relates to 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 behaviour of a data subject to the extent that such information relates to the alleged commission by a data subject of any offence or any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.
- 9.2 To the extent permitted by applicable law, we may collect and process a limited amount of the special personal information of current and potential employees or of children (with the consent of their parent or guardian). In accordance with the principles set out in POPI, we may only process special personal information under stringent conditions. Most commonly, we will process special personal information when the following applies:
 - 9.2.1 the processing is necessary for the purposes of carrying out obligations and exercising the rights of you or the company in the field of employment law or to the extent permissible under applicable laws;
 - 9.2.2 you have given explicit consent to the processing;

- 9.2.3 we must process the special personal information in order to establish, exercise or defend a right or obligation in law;
 - 9.2.4 in order to advance laws designed to protect to advance categories of persons disadvantaged by unfair discrimination;
 - 9.2.5 the processing is for historical, statistical or research purposes; or
 - 9.2.6 you have already made the personal information public.
- 9.3 We will only collect personal information relating to your criminal record where it is appropriate given the nature of your role at the company and where it is permissible in law. This personal information will usually be collected at the recruitment stage; however, we may also collect it during the course of your employment. We process this personal information in our legitimate interests.
- 9.4 We do not need your consent if we use your special personal information in order to carry out our legal obligations or exercise specific rights under employment law. However, we may ask for your consent to allow us to process certain special personal information. If this occurs, you will be made fully aware of the reasons for the processing. As with all cases of seeking consent from you, you will have full control over your decision to give or withhold consent and there will be no consequences where consent is withheld. Consent, once given, may be withdrawn at any time. There will be no consequences where consent is withdrawn.

10. CONTACT DETAILS

You may contact us for any purposes relating to this Privacy Notice by sending an e-mail to: privacy@lagroup.co.za.

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