

## GENERAL PRIVACY STATEMENT

Mpowered Business Solutions (Pty) Ltd

Website: <https://mpowered.co.za/>

(referred to as “the Company”, “our”, “we”, “us”)

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**YOUR CONTINUED USE OF THIS WEBSITE AND OUR SERVICES INDICATES THAT YOU HAVE BOTH READ AND ACCEPTED THIS STATEMENT**

**See Related Terms:** Our [General Terms and Conditions of Service](#) (as amended or updated from time to time)

### **1 Introduction**

- 1.1 We are delighted that you have shown interest in the Company. We take protecting your personal information seriously and want you to feel informed when you engage with us.
- 1.2 This Statement sets out how we will handle your personal information, as defined under applicable law. It covers any information, including personal and special personal information, that you give to us or which we collect from third parties (“**Personal Information**”).
- 1.3 In delivering our products/ carrying out our services, we will use your Personal Information in accordance with this Statement and applicable law.
- 1.4 Whilst we try to balance our legitimate business interests with your reasonable expectation of privacy and take all reasonable measures to prevent unauthorised access to, or disclosure of your Personal Information, **we cannot guarantee that your Personal Information will be 100% secure.**

### **2 How this Statement applies to you**

- 2.1 **This Statement will apply whenever you submit Personal Information to the Company, which will include (but is not limited to) when you browse our website, mobile sites and software applications or engage with us or any of our product and/or service offerings, including instances where your Personal Information is submitted to us through or by a third party (collectively “Services”).**
- 2.2 **Your continued use of our Services indicates that you (which may include any representative acting on your behalf) have both read and consented to the terms of this Privacy Statement. Hereinafter you shall be referred to as “you”, “your” or “user”.**
- 2.3 **If you do not agree to any of the provisions of this Statement, then you should not submit any Personal Information to the Company. However, we note that if you do not consent to this Statement or any parts thereof, we may not be able to provide you with our products and services.**
- 2.4 **Our Services are intended only for persons aged 18 years or over. If you are a parent or guardian and you are aware that your child(ren) has provided us with personal information, please get in touch with us. When we become aware that we have collected personal information of or from children without verification of parental consent, we will take steps to delete and/or remove that information from our servers.**

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**MPOWERED BUSINESS SOLUTIONS (PTY) LTD**

Nicol Main Office Park, Office 223, Building C

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**Directors:** Gary Greyling, Raymond Mkhulisi, Mitishka Ramdhani, Hennie Stander

**Reg No:** 2000/029482/07

**VAT No:** 4560197958

**Tel:** +27 11 447 2966

**Website:** [www.mpowered.co.za](http://www.mpowered.co.za)

### **3 Scope of our Processing**

#### **3.1 What we Collect**

3.1.1 We may collect information that allows you to be identified, such as:

- (a) your name, age, sex, addresses, e-mail address, bank account details, identity, or registration number and/or electronic identifying data (including the internet address of your domain, cookies, online identifier, web forms, IP addresses, activity logs, unique device identifiers and geo-location data); and/or
- (b) records of correspondence or enquiries from you or anyone acting on your behalf;
- (c) details of contracts, sales, or services you carry out with us; and/or
- (d) sensitive and special categories of personal information, including biometric information (e.g., images, voice/telephone recordings), race or B-BBEE-related information, to the extent legally justified or required.

3.1.2 Where you provide information on behalf of third parties, you warrant that this is being provided to us legally and shall take steps to inform the third party that you will be disclosing their details to us. We will process their information in accordance with this Statement.

#### **3.2 How we Collect**

3.2.1 You may provide Personal Information to us either directly or indirectly (through an agent or intermediary) or through completing an application form for our products and services or requesting further information about our products and services, whether in writing, through our website, over the telephone or any other means.

3.2.2 We may also collect your personal information from your appointed agent, any regulator, or other third parties that may hold such information.

#### **3.3 How we Use Personal Information**

3.3.1 We may collect, use, transfer or process your Personal Information:

- (a) to provide and perform our Services to you and to improve or evaluate the effectiveness of the Company, its products, services or offerings;
- (b) to manage your account and respond to or comply with your instructions, complaints or requests;
- (c) to operate, develop and manage our website/other platforms;
- (d) for security (including fraud and crime prevention/reporting), administrative, auditing, operational, marketing and legal or regulatory purposes (which will include complying with any law enforcement agency requests);
- (e) for operational, marketing, auditing, legal and record-keeping requirements;
- (f) to third parties for reasons set out in this Statement or where it is not unlawful to do so (this may include but is not limited to sharing information with credit bureaus and prospective buyers or sellers or our business or assets);
- (g) outside of the Republic of South Africa, in accordance with applicable law, including for cloud storage and payment purposes and the use of any of our websites;

3.3.2 We may from time to time (and at any time) contact you for market research about services, products, and offerings available from the Company or specific affiliates or subsidiaries which we believe may be of interest to you, by email, phone, text or other electronic means, unless you have unsubscribed from receiving such communications. If you have unsubscribed, we may

process your information to ensure we do not send you direct marketing again. You can unsubscribe from receiving such communications by clicking on the link in the communication.

### 3.4 Disclosure of Personal Information

- 3.4.1 Your Personal Information may be disclosed to the Company's affiliates, subsidiaries, employees, agents, sub-contractors and selected third parties who process the information on our behalf.
- 3.4.2 We may also disclose your Personal Information to third parties for the purposes of rendering our Services and for the reasons recorded in clause 3.3 above, including any third parties with whom our supplies and services are carried out/provided in conjunction with and/or who are involved in the completion of our supplies and services and who may need to have your Personal Information to fulfil your request or the services (e.g. Third party payment platform providers or cloud service providers).
- 3.4.3 Wherever these persons are located outside of the country (and your Personal Information may be transferred cross-border), we will adhere to applicable laws.

### 3.5 Security

- 3.5.1 While we cannot ensure or warrant the security of any Personal Information you provide us, we do continue to maintain and improve our security measures over time and in line with legal and technological developments.

### 3.6 Retention

- 3.6.1 We may store your Personal Information directly or on a central or separate database. If the central database is located in a country that does not have substantially similar data protection laws, we will take all legally required steps to ensure your Personal Information is adequately protected.
- 3.6.2 We may retain your personal information indefinitely unless you object; in that case, we will retain it only if applicable law permits or requires it. However, generally, we will not retain your information for longer than is necessary or for the periods required by applicable law.

## 4 Your Rights

- 4.1 As a user/data subject, you have certain rights, including the right:
  - (a) to access your Personal Information stored and processed by us. This may be done by emailing us at the address referred to in clause 5 below;
  - (b) to correct/rectify Personal Information that we hold on your behalf, in instances where such Personal Information is incorrect or incomplete;
  - (c) to erase Personal Information (also known as 'the right to be forgotten'). In simple terms, this lets you request the deletion or removal of your information when there is no compelling reason for us to keep using it. This is not a general right to erase; exceptions apply. For example, we have the right to continue using your personal data if such use is necessary for compliance with our legal obligations or the establishment, exercise or defence of legal claims;
  - (d) to restrict/suspend the processing of Personal Information to only that which is strictly necessary for us to perform our services to you. Please note that this right is limited in certain situations. When we are processing your personal information that we collected from you with your consent you can only request a restriction based on (a) inaccuracy of data; (b) where our processing is unlawful and you don't want your personal information erased; (c) you need it for a legal claim; or (d) if we no longer need to use the data for the purposes for which we hold it. When processing is restricted, we can still store your information, but may not use it further;
  - (e) to complain- if we breach any of the terms of this Privacy Statement, to complain to the requisite data protection authority in South Africa;

- (f) to withdraw your consent at any time, if the processing of the Personal Information is based on consent;
- (g) to object to the processing of Personal Information if such processing is based on legitimate interests; and
- (h) to object to the processing of Personal Information for direct marketing purposes.

4.2 The exercise of these rights is free of charge.

## 5 Complaints

- 5.1 If you wish to raise a complaint regarding the processing of your Personal Information, then please first reach out to the Company's designated Information Officer:

Mitishka Ramdhani  
Email: [mitishka@mpowered.co.za](mailto:mitishka@mpowered.co.za)

- 5.2 However, if you are still unsatisfied with how we have handled your Personal Information, you may lodge your complaint with the Information Regulator or the relevant authority in the applicable country. We are happy to share further information or guidance in this regard should you need it.

- 5.3 The South African Information Regulator's contact details are set out below:

The Information Regulator  
Contact Details: Tel: 012 406 4818  
Fax: 086 500 3351  
Email: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

## 6 Indemnity and Liability

- 6.1 **To the extent legally permissible, without derogating from any other limitations of liability or indemnifications agreed to between us, in agreeing to the provisions of this Statement, you hereby unconditionally agree to indemnify us against any liability that may result from the processing of your Personal Information, including any loss, damage or injury arising from any inaccurate or incomplete Personal Information provided to us by you and/or any third party and/or any unintentional disclosure of your Personal Information to any unauthorised persons.**
- 6.2 Further, while we use every effort to update the information on the website regularly, we accept no liability if any information is incorrect or inaccurate.

## 7 Newsletters and Mailers

- 7.1 Subject to applicable law, you may receive and/or subscribe to our newsletters and/or mailers where we will inform you about our current service offerings.
- 7.2 Where applicable, you may withdraw your consent to receive our newsletters and/or mailers at any time. You may exercise your withdrawal by clicking on the link provided in each e-mailed newsletter or mailer.

## 8 Log Files

- 8.1 When you visit the Company's website, even if you do not register an account, we may collect information, such as your IP address, the name of your ISP (Internet Service Provider), your browser, the website from which you visit us, the pages on our website that you visit and in what sequence, the date and length of your visit, and other information concerning your computer's operating system, language settings, and broad demographic information. This information is aggregated and anonymous data and does not identify you specifically. However, you acknowledge that this data may be able to be used to identify you if it is aggregated with other Personal Information that you supply to us. We do not share this information with third parties and use it only within the company on a need-to-know basis. Any individually identifiable information related to this data will never be used in any way different to that stated above, without your explicit permission.

## 9 Cookies

- 9.1 We use cookies. A cookie is a small piece of information stored on your computer, smartphone or device by the web browser for record-keeping purposes. We also use tracking technologies such as beacons, tags, and scripts to collect and track information and improve and analyse our services.
- 9.2 **You can view and edit permanent cookies in your browser's cookies directory. Permanent cookies are not required for the website to work but may enhance your browsing experience. Likewise, if you do not accept cookies, you may not be able to use some portions of our Services.**
- 9.3 The following types of cookies are used on the website:
- 9.3.1 "Session cookies": These maintain a so-called 'session state' and last only for the duration of your use of the website. A session cookie expires when you close your browser, or if you have not visited the server for a certain period of time. Session cookies are required for the Platform to function optimally but are not used in any way to identify you personally;
- 9.3.2 "Permanent cookies": these cookies permanently store a unique code on your computer or smart device to identify you as an individual user. No Personal Information is stored in permanent cookies.
- 9.3.3 "Security Cookies": these cookies are used for security-related purposes.

## 10 Third-Party Links and External Tools on the Website

- 10.1 The Services available through the website may contain links to other third-party websites. We are not responsible for, and take no liability for, the acts, content or privacy policies of these third-party websites and advise you to review the privacy policies of those parties
- 10.2 We may also use third-party service providers to monitor and analyse user behaviour and the use of our Services, which may include but are not limited to:
- 10.2.1 *Google Analytics*: A web analytics service offered by Google that tracks and reports website traffic. Google uses the data collected to track and monitor the use of our Services. Google then shares this data with other Google services, and Google may use it to contextualise and personalise ads in its advertising network. **You can opt out of your activity on the website from being made available to Google Analytics by installing the browser plug-in available at: <https://tools.google.com/dlpage/gaoptout?hl=en>.** For more information on the privacy practices of Google, please visit the Google Privacy Terms web page: <https://policies.google.com/privacy?hl=en>.
- 10.3 These third parties have access to your personal information only to perform these tasks on our behalf and are obligated not to disclose or use it for any other purpose.

## 11 Amendment of this Statement

- 11.1 We may amend this Statement and/ or any of the documents incorporated under it by reference from time to time.
- 11.2 To the extent permitted by applicable law, any such amendment will come into effect and become part of any agreement you have with the Company when notice is given to you of the change by publication on our website and, where appropriate, notified to you by e-mail. You are responsible for checking the website regularly.