

PRIVACY POLICY

1. Introduction

- 1.1. In this Privacy Policy, any capitalised terms not defined herein shall be as defined in the Web Terms, and *vice versa*.
- 1.2. This Privacy Policy should be read together with our Web Terms and in the event of any conflict between this Privacy Policy and Web Terms, the terms of this Privacy Policy will apply when such conflict pertains to the Processing of Personal Information through our Website.

2. Audience

- 2.1. This Privacy Policy applies to all visitors and members to our Website.
- 2.2. You are required to read and understand the contents of this Privacy Policy and how it relates to your Personal Information. If you do not agree with this Privacy Policy, please do not proceed with our Website. Your continuous use of our Website signifies your Consent for Cuppa to collect, Process and safeguard your Personal Information in accordance with POPIA.

3. Purpose of this Policy

- 3.1. We respect your privacy and take the protection of Personal Information seriously. The Purpose of this policy is to: (i) describe the way we Process your Personal Information; and (ii) communicate how you may access your Personal Information, who we may share your Personal Information with and how we protect your Personal Information.
- 3.2. Personal Information:
 - 3.2.1. **Includes-**
 - a) optional information that you voluntarily provide to us;
 - b) additional data that you provide to us in our comments section on our Website or on our Platforms, especially in

- forms of discussion boards and using the comment features of blogs ("**Comment Data**");
- c) your IP address, information about the amount of data transferred, stored in access log files ("**Usage Data**").
 - d) first name, last name, date of birth, email address, country, job title, phone number, fax number, company name, and additional information that you provide when contacting us using our Websites, especially information provided in free text fields of contact forms ("**Contact Data**");
 - e) additional data that you provide to Cuppa while subscribing for any of our products and/or services etc. "**Subscription Information**".
 - f) email address, phone number, name, company name and country provided when subscribing to a newsletter or other marketing information ("**Direct Marketing Data**").
 - g) Personal Information sent by your *web browser*, i.e., information about your type of *web browser*, your operating system, and selected settings (e.g., language, region, font size, font types and other configuration) may be collected ("**Browser Data**").

3.2.2. **Excludes-**

- a) Personal Information that has been made anonymous so that it does not identify a specific person.
- b) permanently de-identified information that does not relate or cannot be traced back to you specifically; and

- c) non-personal statistical information collected and compiled by us and information that you have provided voluntarily in an open, public environments or forum including (without limitation) any blog, chat room, community, classified, or discussion board. Because the information has been disclosed in a public forum, it is no longer confidential and does not constitute Personal Information subject to protection under this policy.

4. **Our Privacy Statement**

- 4.1. Recognition of the right to privacy including the right to protection against the unlawful Processing of Personal Information is our commitment to you as our client, visitor and/or user (the “**user**”) of our Website . Our privacy statement is aligned to the principles of the Protection of Information Act, 2013 (Act No. 4 of 2013) (“**POPIA**”) and you are referred to section 1 of the aforesaid Act, (“**Definitions**”) to apprise yourself with the meaning of all wording in capital letters in this Privacy Policy or our Website Terms.
- 4.2. Cuppa in its role as ‘**Responsible Party**’ appreciates your visit to its Website and interest in the company and product and/or service offering.
- 4.3. To ensure a high level of transparency and security, our privacy statement as set forth below will inform you about the nature, scope, and Purpose of any collection, use and Processing of Personal Information transmitted to us via our Website or recorded by us.

5. **Who may we share your Personal Information with?**

- 5.1. To maintain and improve our services, your Personal Information may need to be shared with or disclosed to our employees, service providers, other organisations such as ours or, in some cases, public or legal authorities.
- 5.2. If we transfer your Personal Information outside South Africa, we apply the necessary safeguards which include, (i) confirming whether the receiving

country has the proper data protection laws, (ii) ensuring that there is a binding agreement between the parties or (iii) if the transfer is internal to our organisation, commitment to binding corporate rules. Details of these safeguards may be obtained by contacting us directly.

6. **Platforms**

6.1. Our Website also references and include links to Cuppa Platforms. As a rule, these are identified by stating the Platform type and respective third-party Internet address or the company/product logo in such Platforms. We do not have any influence whatsoever on the contents and/or design of websites of other providers linked to our Website. By referencing/linking to these external websites and/or platforms, does not mean that we adopt their contents as our own.

7. **Cookie Notice**

7.1. We may use various technologies to Process your Personal Information when you interact with us via our Website . Please refer to our ***cookie policy*** by clicking here for more information.

8. **Legal Basis for Processing**

8.1. We Process Personal Information about you as a Responsible Party as described in this Privacy Policy, where such Processing is in our legitimate interests and in compliance with your privacy interests or fundamental rights and freedoms. Our legitimate interests typically include improving, maintaining, providing, and enhancing our technology, products, and services and ensuring the security of the Website .

9. **Lawfulness of Processing**

9.1. We commit to Processing your Personal Information lawfully, within reason and in a manner that respects your right to privacy and aligned to the Purpose for which it is Processed, always considering the adequacy and relevance thereof.

9.2. The lawfulness for the Personal Information Processing is the performance of a contract or steps prior to communicating, engaging with you and/or referring you to our associates. Using this Personal Information is required to ensure that we can provide you with the information or assistance you require from us. Without this Personal Information, you will not be able to communicate, engage with or be referred to our associates.

10. **Transfer of Personal Information outside South Africa**

10.1. We will not Process any Personal Information across a country border without complying with the provision of section 72 of POPIA and your prior written Consent.

11. **Consent, Justification and Objections**

11.1. In so far that you have given the Consent, we will also use your *Direct Marketing Data* for marketing Purposes, e.g., to send newsletters. The lawfulness for Processing your *Direct Marketing Data* is our legitimate interest, e.g., to improve our communication, engagement, products and services, or your Consent.

11.2. In so far that you have given the Consent, we will also use your *Browser Data* for market research and the improvement of our Website products and/or services, and to improve your user experience. The lawfulness for Processing your *Browser Data* is your Consent or our legitimate interest.

11.3. In so far that you have given the Consent, we will also Process your Usage Data for statistical Purposes, for the analysis of advertisement on our Website, Platforms and for adapting the advertisement for our products and/or services to better match your interests. Log files are only used for statistical analysis of the visitors of our Website and/or Platforms. The *Usage Data* may be deleted after having been analysed. The lawfulness for Processing this Usage Data is for statistical Purposes is our legitimate interest, e.g., internal organization, or your Consent.

- 11.4. We will also use your Usage Data for internal system specific Purposes to secure our Website, Platforms, and IT systems from malicious attacks by third parties. The lawfulness is a balancing conflicting interest of security of the IT systems on our part and your potentially conflicting interests in a non-Processing of the Usage Data by us. Taking into account the security and organizational measures of Processing of Usage Data by Cuppa, we consider your rights and interests appropriately considered and protected.
- 11.5. Beyond these Purposes, we use and Process your Personal Information only if you have expressly granted your prior Consent thereto and if you have been informed about such Purposes.

Please note that: -

- a) you can object, at any time for the Processing of your Personal Information irrespective of the Purpose, on reasonable grounds (unless legislation allows for such Processing) by sending us an email at info@cuppasolutions.co.za in a prescribed manner, using ***Form 1 under POPIA Forms.***
- b) providing the *Direct Marketing Data* and *Browser Data* is optional. If you do not provide this Personal Information, you will not receive any direct marketing information from us, and your Personal Information will not be used to improve your user experience nor be used for statistical purposes; and
- c) once we obtain the abovementioned objections, we will no longer Process your Personal Information.

12. How Do we Use Your Personal Information?

12.1. We use your Personal Information to:

- a) improve our products, services and your experience on the Website and/or Platforms;

- b) evaluate the use of the Website, Platforms, products and/or services;
- c) analyse the effectiveness of our communications, marketing, advertisements, competitions, and promotions;
- d) personalise your website and/or platform user experience as well as evaluate (anonymously, and in the aggregate) statistics on Website and/or Platforms activity, such as what time you visited it, whether you have visited it before and what site referred you to it;
- e) make the Website and/or Platforms easier to use and to better tailor such Website, Platforms and/or our products and services to your interest and needs;
- f) help speed up your future activities and experience on the Website and/or Cuppa Platforms. For example, a site can recognise that you have provided your Personal Information and will not request the same information a second time;
- g) Process Personal Information about the device you are using and link this to your Personal Information to ensure that the Website and/or Platforms presents the best web and/or platform experience for you;
- h) Contact you regarding products and/or services which may be of interest to you, provided you have given us consent to do so or you have previously requested a product or service from us, and the communication is relevant or related to that prior request and made within any timeframes established by applicable laws;
- i) suggest products and/or services (including those of relevant third parties) which we think may be of interest to you;
- j) offer you the opportunity to take part in competitions or promotions;

- k) provide you with products and/or services that you request from us;
and
- l) respond to your queries or comments.

12.2. Where we Process Personal Information for a specific Purpose, we will not keep it for longer than is necessary to fulfil that Purpose, unless we must keep it for legitimate business or legal reasons. In order to protect Personal Information from accidental or malicious destruction when we delete information from our products, services and/or systems, we may not immediately delete residual copies of Personal Information from our products, services and/or systems from our backup systems.

12.3. **NOTE:** You can *opt out* of receiving communications from us at any time. Any direct marketing communications that we send to you will provide you with the information and means necessary to *opt out*.

13. **Purpose**

13.1. Our intention in collecting, Processing, and using your Personal Information is to the extent required to:

- a) fulfil the respective Purposes, being for Processing your Contact Data, Comment Data, Subscription Data, and/or job application data etc.
- b) provide products and/or services that you make use of using our Website and/or Platforms, these are amongst others, downloads, discussion boards, individual requests (e.g., using a contact form), blogs or other offerings of Cuppa

14. **Further Processing**

14.1. Your Personal Information will be received by our personnel and/or associates and we commit to ensuring that the use of your Personal Information will be aligned to our Privacy Policy.

- 14.2. Your Personal Information will be Processed by personnel and/or associated of Cuppa in the respective departments, on a need-to-know basis:
- a) **Contact Data:** any departments that might be involved to Process your request;
 - b) **Comment Data:** marketing of the respective service offering by departments that are responsible for operating the Website and/or Platforms;
 - c) **Direct Marketing Data:** marketing departments;
 - d) **Browser Data and Usage Data:** marketing and the IT departments that are responsible for operating the Website and Platforms; and
 - e) **Lawful Basis:** to conclude or perform a contract to which you as the Data Subject are a party;
 - f) **Retention Period:** until no longer needed for evidential purposes.
- 14.3. Cuppa has contracted external Operators as service providers to Process Personal Information on its behalf and according to the instructions of Cuppa. Such service providers support Cuppa, in relation to information communication and technology services including hosting, monitoring, and managing Cuppa's Website, emails, telephony etc. as well as marketing service provider to assist Cuppa in improving its Website, products and/or services and to access any of our information and/or database where required. If these external companies have access to Personal Information respective '**Data Protection Agreements**' are in place.
- 14.4. Beyond that, we do not forward your Personal Information to other third parties, unless we are obliged to do so by virtue of statutory provisions or order of any judicial or other public authorities or you have explicitly given your Consent for that Purpose. Your Personal Information will not be sold, leased, or exchanged.

15. Information sent by Email

15.1. Provided that you have given Cuppa your *Contact Data* for communication or direct marketing Purposes and consented to the receipt of advertising and newsletters, we will Process your Personal Information to communicate with you on the basis of your interests or to send you advertising and/or marketing information. The legal basis for Processing of Personal Information for direct marketing Purposes is your Consent or our legitimate interest in direct mail communication. You can revoke your consent at any time and object to Processing for direct marketing Purposes at any time by clicking on "*opt out*".

15.2. Providing your *Contact Data* for direct marketing Purposes is voluntary. If you do not provide these to us, you will not receive any advertising from us.

16. Participation in Cuppa's Platforms

16.1. On our Website, we offer you the opportunity to participate in any of Cuppa Platforms. To use them, it may be necessary to enter *Contact Data* to enable us to identify and, where appropriate, comply with the obligation to retroactively identify authors of illegal content. The details of this *Contact Data* are voluntary for you. Please note that you may not be able to use our Platforms if you do not want to provide your Contact Data. This is associated with no further disadvantages.

16.2. When participating in any of our Platforms your Personal Information is not disclosed to other participants unless you have consented thereto in your user profile.

17. Data Protection for Minors

17.1. The offers, products and/or services on this Website and/or Platforms are not directed at children. We therefore assume that we will not become aware of any Personal Information pertaining to children.

18. Technical and Organizational Data Protection

18.1. We implement the technical and organizational measures that are commercially reasonable in relation to the respective Purpose of data protection, to protect your Personal Information against abuse and loss. Such data is stored in a secure operating environment that is not accessible to the public. In addition, each of our employees is instructed on data protection and obliged to enter into a confidentiality agreement.

19. **Our Security**

19.1. We limit the amount of Personal Information Processed to only what is fit for the Purposes as described above. We restrict, secure and control all of our information assets against unauthorised access, damage, loss or destruction; whether physical or electronic.

19.2. We retain Personal Information only for as long as is described below, to respond to your requests or longer if required by law. If we retain your Personal Information for historical or statistical purposes, we ensure that the Personal Information cannot be used further. While in our possession, together with your assistance, we try to maintain the accuracy of your Personal Information.

19.3. We take appropriate and reasonable technical and organizational measures to protect your Personal Information from loss, misuse, unauthorized access, disclosure, alteration, and destruction, taking into account the risks involved in the Processing of the Personal Information. For further information about our security practices and/or security of your Personal Information, you may contact us at info@cuppasolutions.co.za.

20. **Retention and Restriction of Records**

20.1. Your Personal Information will be kept by us as long as necessary to provide you with the requested products and/or services. If We no longer in need of your Personal Information to comply with contractual or legal obligations, your Personal Information will be deleted from our Website, Platforms and/or systems or anonymized accordingly so that identification

is not possible, unless we have to keep the information and/or our records, including your Personal Information, to comply with legal or regulatory obligations (e.g. statutory retention periods which may arise from the commercial laws or tax laws and may in principle be 5 to 10 years or, if during the statutory limitation periods, which are regularly 5 years, but may be up to 10 years).

21. **Data Subject Rights**

Under applicable law, you have the right under certain circumstances to:

- 21.1. **Right to information:** - You have the right to ask us for confirmation of the Processing of your Personal Information in question and, if so, of your right to information about such Personal Information. The right to information includes, amongst other things, the Processing Purposes, the categories of Personal Information being Processed and the recipients or categories of recipients to whom the Personal Information is disclosed. You may also have the right to receive a copy of the Personal Information that is the subject of the Processing. However, this right is limited in that, the rights of others may limit your right to receive a copy.
- 21.2. **Right to rectification:** – You may be entitled to request the correction of incorrect Personal **Information** concerning you. In consideration of the Purposes of Processing, you have the right to request the completion of incomplete Personal Information, including by means of a supplementary statement. Please use ***Form 2, POPIA Forms***.
- 21.3. **Right to erasure (“Right to be forgotten”):** - Under certain conditions, you have the right to ask us to delete your Personal Information and to delete Personal Information.
- 21.4. **Right to restriction of Processing:** – Under certain circumstances, you have the right to demand that we restrict the Processing of your Personal Information. In this case, the corresponding data will be marked and processed by us only for specific Purposes.

- 21.5. **Right to data portability:** - Under certain circumstances, you have the right to receive the Personal Information relating to you that you have provided to us in a structured, commonly used, and machine-readable format and you have the right to transfer that data to another person without obstruction by us.
- 21.6. **Right to revocation of consent:** – If you have given your consent for some data Processing activities, you may revoke your consent at any time with future effect. Such revocation shall not affect the lawfulness of the Processing based on the consent until the revocation.
- 21.7. **Right to object:** – For reasons arising from your situation, you have the right to object to the Processing of Personal Information relating to you based on Section 11 of Condition 2 of Part 3, POPIA (data Processing based on legitimate interests). If you object, we will no longer Process your Personal Information unless we can establish compelling legitimate grounds for Processing that outweigh your interests, rights and freedoms, or the Processing is for the Purposes of asserting, exercising or defending legal claims. Please use ***Form 1, POPIA Forms***.
- 21.8. **Right to Complain:** - You have the right to file a complaint with the Information Regulator by completing and submitting ***Form 5, POPIA Forms*** or alternatively you can obtain more information from the Information Regulator’s website at <http://www.justice.gov.za/infoereg/>. We recommend you comply with our complaints procedures detailed in our PAIA Manual and POPIA Manual available from our Website under Manual to resolve any request or query relating to this Privacy Policy.
22. **Our Information Officer**
- 22.1. Our Information Officer is **Ms Dinana Reid**, who can be contacted at ***privacyofficer@cuppasolutions.co.za***.
23. **Notification of Changes**

- 23.1. Cuppa reserves the right to amend, replace and/or change this Privacy Policy from time to time as it deems fit and appropriate. The latest version of our Privacy Policy will be published on our Website to ensure that you are kept informed at all times.
- 23.2. It is your responsibility to be aware of any such revised Privacy Policy by checking this Website. Your continued use of this Website will signify your acceptance of any adjustment to this Privacy Policy.
- 23.3. Your access to this Website indicates your understanding, agreement to and acceptance, of our Privacy Policy.