



## PRIVACY NOTICE

### 1. INTRODUCTION

1.1. We respect the privacy of everyone who visits this website. As a result we would like to inform you regarding the way we would use your Personal Information (as defined in POPIA). We recommend you to read this Privacy Notice and Consent to Use of Personal Information (the “**Privacy Notice and Consent**”) so that you understand our approach towards the use of your Personal Information. By submitting your Personal Information to us, you will be treated as having given your permission (where necessary and appropriate) for disclosures referred to in this Privacy Notice and Consent. By using this website, you acknowledge that you have reviewed the terms of this Privacy Notice and Consent and agree that Mathopo Moshimane Mulangaphuma Incorporated practising as DM5 Incorporated (“**DM5 Incorporated**”) may collect, use and transfer your Personal Information in accordance therewith.

1.2. If you do not agree with these terms, you may choose not to provide any Personal Information but this may impact on our ability to support you as a customer or supplier. This Privacy Notice and Consent forms part of our Terms and Conditions of Use and such shall be governed by and construed in accordance with the laws of the Republic of South Africa. This Notice explains how we obtain, use and disclose your Personal Information, as is required by the Protection of Personal Information Act 4 of 2013 (“**POPI Act**”). At DM5 Incorporated, we are committed to protecting your privacy impact and to ensure that your Personal Information is collected and used properly, lawfully and openly.

### 2. DEFINITION OF PERSONAL INFORMATION

According to the POPI Act “Personal Information” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person. The POPI Act, which

has more specific examples if you need them, can be found at the following link:

[https://www.gov.za/sites/default/files/gcis\\_document/201409/3706726-11act4of2013protectionofpersonalinfoorcorrect.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/3706726-11act4of2013protectionofpersonalinfoorcorrect.pdf)

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

3.1. We collect and process your Personal Information mainly to provide you with access to our services and products, to help us improve our offerings to you, to support our contractual relationship with you and for certain other purposes explained below. The type of information we collect will depend on the purpose for which it is collected and used. We will only collect information that we need for that purpose.

3.2. We collect information directly from you where you provide us with your personal details, for example when you purchase or supply a product or services to or from us or when you submit enquiries to us or contact us. Where possible, we will inform you what information you are required to provide to us and what information is optional.

3.3. Examples of information we collect from you are:

3.3.1. Name;

3.3.2. Address;

3.3.3. Email address;

3.3.4. Telephone/cell number; and

3.3.5. User-generated content, posts and other content you submit to our website.

3.4. We also collect information about you from other sources as explained below.

3.5. With your consent, we may also supplement the information that you provide to us with information we receive from other companies in our industry in order to offer you a more consistent and personalized experience in your interactions with DM5 Incorporated .

### **4. COLLECTION OF NON-PERSONAL INFORMATION**

We may automatically collect non-Personal Information about you such as the type of internet browsers you use or the website from which you linked to our website. We may also aggregate details which you have submitted to the website (for example, the products or services you are

interested in). You cannot be identified from this information and it is only used to assist us in providing an effective service on this website. We may from time to time supply third parties with this non-personal or aggregated information for uses in connection with this website.

## **5. COOKIES POLICY**

We use the term “cookies” to refer to cookies and other similar technologies covered by the POPI Act on privacy in electronic communications.

### **5.1. What is a cookie?**

Cookies are small data files that your browser places on your computer or device. Cookies help your browser navigate a website and the cookies themselves cannot collect any information stored on your computer or your files. When a server uses a web browser to read cookies they can help a website deliver a more user-friendly service. To protect your privacy, your browser only gives a website access to the cookies it has already sent to you.

### **5.2. Why do we use cookies?**

We use cookies to learn more about the way you interact with our content and help us to improve

your experience when visiting our website. Cookies remember the type of browser you use and which additional browser software you have installed. They also remember your preferences, such as language and region, which remain as your default settings when you revisit the website. Cookies also allow you to rate pages and fill in comment forms. Some of the cookies we use are session cookies and only last until you close your browser, others are persistent cookies which are stored on your computer for longer.

### **5.3. How are third party cookies used?**

For some of the functions within our websites we use third party suppliers, for example, when you visit a page with videos embedded from or links to YouTube. These videos or links (and any other content from third party suppliers) may contain third party cookies and you may wish to consult the policies of these third party websites for information regarding their use of cookies.

### **5.4. How do I reject and delete cookies?**

5.4.1. We will not use cookies to collect personally identifiable

information about you. However, should you wish to do so, you can choose to reject or block the cookies set by the websites of any third party suppliers by changing your browser settings – see the Help function within your browser for further details. Please note that most browsers automatically accept cookies so if you do not wish cookies to be used you may need to actively delete or block the cookies.

5.4.2. You can also visit [www.allaboutcookies.org](http://www.allaboutcookies.org) for details on how to delete or reject cookies and for further information on cookies generally. For information on the use of cookies in mobile phone browsers and for details on how to reject or delete such cookies, please refer to your handset manual. Note, however, that if you reject the use of cookies you will still be able to visit our websites but some of the functions may not work correctly.

## **6. HOW WE USE YOUR PERSONAL INFORMATION**

6.1. We will use your Personal Information and Non-Personal Information only for the purposes

for which it was collected or agreed with you, for example:

- 6.1.1. analyse the effectiveness of our advertisements, competitions and promotions;
- 6.1.2. collect information about the device you are using to view the site, such as your IP address or the type of Internet browser or operating system you are using, and link this to your Personal Information so as to ensure that the site presents the best web experience for you;
- 6.1.3. evaluate the use of the site, products and services;
- 6.1.4. for audit and record keeping purposes;
- 6.1.5. for market research purposes;
- 6.1.6. for monitoring and auditing site usage;
- 6.1.7. help speed up your future activities and experience on the site. For example, a site can recognise that you have provided your Personal Information and will not request the same information a second time;
- 6.1.8. in connection with legal proceedings;

- 6.1.9. make the website easier to use and to better tailor the site and our products to your interests and needs;
- 6.1.10. offer you the opportunity to take part in competitions or promotions;
- 6.1.11. personalise your website experience, as well as to evaluate (anonymously and in the aggregate) statistics on website activity, such as what time you visited it, whether you've visited it before and what site referred you to it;
- 6.1.12. suggest products or services (including those of relevant third parties) which we think may be of interest to you;
- 6.1.13. to assist with business development;
- 6.1.14. to carry out our obligations arising from any contracts entered into between you and us;
- 6.1.15. to conduct market or customer satisfaction research or for statistical analysis;
- 6.1.16. to confirm and verify your identity or to verify that you are an authorised customer for security purposes;
- 6.1.17. to contact you regarding products and 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;
- 6.1.18. to notify you about changes to our service;
- 6.1.19. to respond to your queries or comments;
- 6.2. We will also use your Personal Information to comply with legal and regulatory requirements or industry codes to which we subscribe or which apply to us, or when it is otherwise allowed by law.
- 6.3. Where we collect Personal Information for a specific purpose, we will not keep it for longer than is necessary to fulfil that purpose, unless we have to keep it for legitimate business or legal reasons. In order to protect information from accidental or malicious destruction, when we delete information from our services we may not immediately delete residual copies from our

servers or remove information from our backup systems.

- 6.4. 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.

## **7. DISCLOSURE OF PERSONAL INFORMATION**

- 7.1. We may disclose your Personal Information to our business partners who are involved in the delivery of products or services to you. We have agreements in place to ensure that they comply with these privacy terms.
- 7.2. We may share your Personal Information with, and obtain information about you from:
  - 7.2.1. third parties for the purposes listed above;
  - 7.2.2. other companies in our industry when we believe it will enhance the services and products we can offer to you, but only where you have not objected to such sharing;
  - 7.2.3. other third parties from whom you have chosen to receive marketing information.

- 7.3. We may also disclose your Personal Information:

- 7.3.1. where we have a duty or a right to disclose in terms of law or industry codes; and
- 7.3.2. where we believe it is necessary to protect our rights.

## **8. PERSONAL INFORMATION SECURITY**

- 8.1. We are legally obliged to provide adequate protection for the Personal Information we hold and to stop unauthorised access and use of Personal Information. We will, on an on-going basis, continue to review our security controls and related processes to ensure that your Personal Information is secure.
  - 8.1.1. Our security policies and procedures cover:
  - 8.1.2. acceptable usage of personal information;
  - 8.1.3. access to Personal Information;
  - 8.1.4. computer and network security;
  - 8.1.5. governance and regulatory issues;
  - 8.1.6. Investigating and reacting to security incidents.

8.1.7. monitoring access and usage of personal information;

8.1.8. physical security;

8.1.9. retention and disposal of information;

8.1.10. secure communications; and

8.1.11. security in contracting out activities or functions.

8.2. When we contract with third parties, we impose appropriate security, privacy and confidentiality obligations on them to ensure that Personal Information that we remain responsible for, is kept secure.

8.3. We will ensure that anyone to whom we pass your Personal Information agrees to treat your Personal Information with the same level of protection as we are obliged to.

## **9. ACCESS TO YOUR PERSONAL INFORMATION**

9.1. You have the right to request a copy of the Personal Information we hold about you. To do this, simply contact us at the numbers/addresses listed on our home page and specify what information you would like. We will take all reasonable steps to confirm your identity before

providing details of your personal information.

9.2. Please note that any such access request may be subject to a payment of a legally allowable fee, as laid down in our POPI Act Policy.

## **10. CORRECTION OF YOUR PERSONAL INFORMATION**

You have the right to ask us to update, correct or delete your Personal Information. We will take all reasonable steps to confirm your identity before making changes to Personal Information we may hold about you. We would appreciate it if you would take the necessary steps to keep your Personal Information accurate and up-to-date by notifying us of any changes we need to be aware of.

## **11. RETENTION OF PERSONAL DATA**

11.1. DM5 Incorporated will retain your Personal Information in compliance with the POPI Act and in compliance with other applicable legislation.

11.2. DM5 Incorporated will not retain Personal Information for a period longer than is necessary to achieve the purpose for which it was collected or processed and is

required to delete, destroy (in such a way that it cannot be reconstructed) or de-identify the information as soon as is reasonably practicable once the purpose has been achieved. This prohibition will not apply in the following circumstances:

- 11.2.1. where the retention of the record is required or authorised by law;
  - 11.2.2. we require the record to fulfil its lawful functions or activities;
  - 11.2.3. retention of the record is required by a contract between the parties thereto;
  - 11.2.4. the data subject (or competent person, where the data subject is a child) has consented to such longer retention; or
  - 11.2.5. the record is retained for historical, research or statistical purposes provided safeguards are put in place to prevent use for any other purpose.
- 11.3. Accordingly, DM5 Incorporated will, subject to the exceptions noted herein, retain Personal Information for as long as necessary to fulfil the purposes for which that Personal Information was collected and/or as permitted or required by applicable law.

## **12. AUTOMATED DECISION MAKING**

DM5 Incorporated does not use automated decision making in connection with your Personal Information.

## **13. RIGHT TO OBJECT**

In terms of section 18. (h) (iv) of the POPI Act you have the right to object to the processing of your Personal Information as referred to in section 11(3) of the POPIA.

## **14. RIGHT TO LODGE A COMPLAINT**

In terms of section 18. (h) (v) of the POPI Act you have the right to lodge a complaint to the Information Regulator of South Africa ("IRSA"). The IRSA contact details are:

<https://www.justice.gov.za/inforeg/contact.html>

JD House, 27 Stiemens Street

Braamfontein, Johannesburg, 2001

P.O Box 31533

Braamfontein, Johannesburg, 2017

Complaints email:

[POPIAComplaints.IR@justice.gov.za](mailto:POPIAComplaints.IR@justice.gov.za)



## 15. CHANGES TO THIS NOTICE

15.1. Please note that we reserve the right to make amendments to this Privacy Notice and Consent from time to time. Please check our website periodically to inform yourself of any changes.

15.2. The current version of this Privacy Notice and Consent will govern the respective rights and obligations between you and DM5 Incorporated each time that you access and use our website.

## 16. HOW TO CONTACT US

16.1. If you have any queries about this Privacy Notice and Consent or believe we have not adhered to it, or need further information about our privacy practices or wish to give or withdraw consent, exercise preferences or access or correct your personal information, please contact us on:

16.1.1. **Name of Body:** Mathopo Moshimane Mulangaphuma Incorporated Practising as DM5 Incorporated

16.1.2. **Physical Addresses Johannesburg:**

27 Fricker

27 Fricker Road

Illovo Sandton, 2196

16.1.3. **Physical Addresses Cape Town:**

Suite 201

Piazza on Church Square

39 Adderley Street

Cape Town

16.1.4. **Head of Body:**

Name: Ms Mathopo L

Email: info@dm5.co.za

Tel: 011 721 4800

16.1.5. **Information Officer:**

Name: Ms Mathopo L

Email: info@dm5.co.za

Tel: 011 721 4800

16.1.6. **Deputy Information Officer:**

Name: Ms G Sikhakhane

Email: info@dm5.co.za

Tel: 011 721 4800

16.2. If a Data Subject is unsatisfied with the manner in which DM5 Incorporated addresses any complaint with regard to DM5 Incorporated's Processing of Personal Information, the Data

Subject can contact the office of  
the relevant Regulator.

