

# PRIVACY POLICY

## EXECUTIVE SUMMARY

This policy aims to provide our valued stakeholders and prospective clients with Eqstra's standards on the handling of Personal Information as set out in the Protection of Personal Information Act no. 4 of 2013 (POPIA).

## 1. Introduction

- 1.1. We, at Eqstra, value your privacy and thus wish to inform you of the way your Personal Information is used, disclosed, retained, and destroyed.
- 1.2. We are committed to protecting your privacy and will ensure that your Personal Information is used appropriately, transparently, securely and in accordance with the applicable laws.

## 2. Definitions

- 2.1 **“Cookie(s)”** refers to tiny data files that are stored on your computer within the website browser when visited. A cookie does not contain or collect information in isolation, but, when read by a server via a website browser; it can give information to facilitate a more user-friendly service such as detecting errors.
- 2.2 **“Data Processing Conditions”** means the 8 (eight) statutory conditions for the lawful processing of Personal Information, as listed in section 4(1) of POPIA and detailed in Part A of Chapter 3 of POPIA.
- 2.3 **“Personal Information”** means any information which we may collect for the proper performance of our duties and/or provision of goods and services to you. It relates to information that can be used to identify a living, natural person and where it is applicable, an existing juristic person. It includes (but is not limited to):
  - 2.3.1 any identifying number, symbol, e-mail address or physical address, telephone number;
  - 2.3.2 educational or the medical, financial, criminal or employment history; and
  - 2.3.3 name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;
  - 2.3.4 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
  - 2.3.5 any other information that can reasonably be used to identify a person or an existing juristic person for lawful and/or business purposes in the proper performance of our duties.
- 2.4 **“POPIA Committee”** refers to the task team which is responsible for handling complaints in respect of Personal Information and/or matters relating to Security Incidents which is chaired by our Deputy Information Officer.
- 2.5 **“Special Personal Information”** refers to a category of Personal Information which is not necessarily required in the provision of goods and services to you. It includes information relating without limitation to race, biometrics, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, conscience, belief, culture, language, birth, religious affiliations and political inclinations.
- 2.6 **“Security Incident”** means a situation where any party reasonably believes that there has been any unauthorised or unlawful use, access, acquisition, disclosure, accidental loss, destruction or damage to Personal Information.

### 3. Our Promise To You

We will always uphold your rights that were conferred on you by POPIA. To elaborate further, this means that we will:

- 3.1.1 Notify you should we collect your Personal Information or where there has been a Security Incident;
  - 3.1.2 Process upon instruction any request to access your Personal Information that we may hold;
  - 3.1.3 Process requests, where necessary for the correction, destruction, or deletion of your Personal Information;
  - 3.1.4 Afford you the opportunity to object, on reasonable grounds relating to the situation, to the processing of your Personal Information;
  - 3.1.5 Consider any objection to the processing of your Personal Information at any time for purposes of direct marketing; and
  - 3.1.6 Not process your Personal Information for purposes of direct marketing by means of unsolicited electronic communications.
- 3.2 In addition to respecting your rights, we will take all appropriate steps to ensure that your Personal Information is processed in accordance with the Data Processing Conditions, and we will not require your consent to process your Personal Information where the processing is:
- 3.2.1 necessary to carry out actions for the conclusion or performance of a contract to which the owner is a party;
  - 3.2.2 required in order to comply with an obligation imposed by law; or
  - 3.2.3 for a legitimate purpose or is necessary to protect the legitimate interest(s) and/or for pursuing the legitimate interests of:
    - 3.2.3.1 the owner of the Personal Information;
    - 3.2.3.2 the person processing the Personal Information; or
    - 3.2.3.3 that of a third-party to whom the Personal Information is supplied; or
    - 3.2.3.4 necessary for the proper performance of a public law duty by a public body or on behalf of a public body.
- 3.3 Where a lawful reason cannot be met or shown for any specific processing, the provision of the required Personal Information in such instances by you, to us, will be taken as an indication that we may process your Personal Information, which consent, you may at any time withdraw, in the prescribed manner and form, but which withdrawal may affect your ongoing ability to optimally use the services we provide.
- 3.4 We will take all reasonable measures to ensure that our staff or representatives who handle your Personal Information are given training to do so with the highest degree of confidentiality.
- 3.5 We will also ensure that we take all reasonable measures to keep our systems secure and their integrity uncompromised to the extent that they may directly or indirectly be utilised in the handling of your Personal Information.

### 4. The Information We Collect

- 4.1 We collect Personal Information for the proper performance of our duties in providing our services to you, to help us improve our offerings to you or where we are required by law to do so.
- 4.2 The proper performance of our duties may include disclosure of your personal information to our service providers who are involved in the delivery of products or services to you. In such instances, we have agreements in place to ensure that they comply with the privacy requirements of the POPIA.
- 4.3 In addition, we also collect website usage information on our website (<https://www.efm.co.za/>) using cookies. This allows us to collect standard internet visitor usage information.



- 4.4 We will also collect your Personal Information where you only partially complete and/or abandon any information inputted into our websites including online forms and may use this information to contact you to remind you to complete any outstanding information and/or for marketing purposes.
- 4.5 We will also collect information about you from other sources as explained below:
- 4.4.1. To confirm and verifying and updating your details;
  - 4.4.2. For the detection and prevention of fraud, crime, money laundering or other malpractice;
  - 4.4.3. Conducting marketing or customer satisfaction research;
  - 4.4.4. For audit and recording keeping purposes;
  - 4.4.5. In connection with legal proceedings;
  - 4.4.6. To maintain and constantly improve the relationship.
- 4.6 We do not in the ordinary course collect Special Personal Information. Should we need to collect such information, we will obtain your prior consent and inform you of why such information is required. If collected, we will store it securely and it will be destroyed after a year in storage.

## 5. Procedures and Declarations

- 5.1 Should you wish to object to the processing of any Personal Information we may hold, you may do so by submitting the completed **Annexure A** to the email address outlined at 5.11 below.
- 5.2 Any Personal Information that may be given to us remains your property and can be corrected, deleted, or destroyed upon request through submission of the completed **Annexure B** to the email address contained in 5.11 below.
- 5.3 In the event where you wish to lodge a complaint against any of our staff or representatives for queries relating to your Personal Information, you must submit the completed **Annexure C** to the email address outlined at 5.11 below.
- 5.4 Requests for access to any records of your Personal Information which we may hold will be processed in accordance with the terms of our Access to Information Manual (**PAIA Manual**) which is accessible on our website([www.efm.co.za](http://www.efm.co.za)).
- 5.5 In the event of any party having reasonable suspicion that a Security Incident has occurred, we will:
- 5.5.1 promptly notify you in writing immediately upon becoming aware of or having reasonable grounds to suspect the Security Incident;
  - 5.5.2 promptly provide a full investigative report along with the corrective action/s reasonably necessary to prevent a future recurrence of such violation or Security Incident;
  - 5.5.3 take all necessary and reasonable steps to mitigate the extent of the loss or compromise of Personal Information and, if applicable, to restore the integrity of the affected information systems as quickly as possible;
  - 5.5.4 furnish you with details of the nature and extent of the compromise; provide you with a report on its progress in resolving the compromise at reasonable intervals until such time as the compromise is resolved; and
  - 5.5.5 consult with you and where required by law, notify appropriate authorities.
- 5.6 If we are required to disclose any of your Personal Information by law, regulation, or court order, we will promptly notify you in writing prior to processing such request.
- 5.7 We will not process any requests from an individual/juristic person with respect to your Personal Information unless expressly authorised to do so by you.
- 5.8 We will take all necessary steps to limit the extent of the disclosure to the extent that it lawfully, reasonably, practically can and will afford you a reasonable opportunity, if possible and permitted, to intervene in the proceedings.

- 5.9 In respect of "cookies" which are collected by use of our website, the data is automatically collected as a default position. You may however reset your browser to refuse all cookies or indicate when a cookie is being sent or you can flush your browser of cookies from time to time. If you choose to disable cookies or refuse to accept a cookie, you may not be able to utilise all features of our website.
- 5.10 When you link onto social media forums like WhatsApp, Facebook, Twitter, Yammer, Pinterest, Instagram, LinkedIn, etc., which may house a reference to us, please note that these are not our platforms and that the use of these platforms will be subject to the relevant platform owners' own privacy notices and that we take no responsibility for your use of these platforms.
- 5.11 Any requests or complaints relating to the handling of your Personal Information may be addressed to our Information/Deputy Information Officers on the contact details below:

Information Officer Details	Telephone No	Email Address
Information Officer: <b>Jacqueline Veronica Carr</b>	0860 111 820	<a href="mailto:popia@eqstraflet.co.za">popia@eqstraflet.co.za</a>
Deputy Information Officer: <b>Tracey Lea Moss</b>		

- 5.12 Should you feel unsatisfied with our handling of your Personal Information, or about any complaint that you have made to us, you are entitled to escalate your complaint to the South African Information Regulator who can be contacted at <https://www.justice.gov.za/inforeg>.

## 6. Cross Border Data Transfer

- 6.1 We undertake to ensure that no sensitive or Personal Information will be transferred outside the borders of the Republic of South Africa without your prior written consent, and if granted, such transfer will be conducted in accordance with Chapter 9 of POPIA.
- 6.2 Neither party shall receive or transfer Personal Information or any data to Europe without entering into a separate data transfer agreement.

## 7. Retention, Return or Disposal of Personal Information

- 7.1. We will not retain your Personal Information longer than is necessary for achieving the purpose for which the information was processed, unless such retention is:
- 7.1.1. Required by law;
  - 7.1.2. Reasonably required for a lawful purpose related to the performance of our functions or activities;
  - 7.1.3. Required by a contract between the parties; or
  - 7.1.4. Required for reasons of historical, statistical or research purposes with your prior written consent, provided that appropriate safeguards have been established to safeguard the Personal Information.
- 7.2. Upon expiry or termination of the relationship between the parties for any reason whatsoever, we shall immediately cease handling Personal Information and return the Personal Information in a manner and format reasonably requested by you, or if specifically instructed to do so, immediately destroy or permanently delete all forms of Personal Information in our possession, power and/or control and provide you with a return or permanent destruction certificate.

- 7.3. If we dispose of any paper, electronic or other record containing Personal Information, we shall do so by taking all reasonable steps (based on the sensitivity of the information) to destroy the Information by:
- 7.3.1. shredding;
  - 7.3.2. permanently erasing and deleting; or
  - 7.3.3. otherwise modifying the Personal Information in such records to make it unreadable, or permanently indecipherable.

## 8. POPIA Audits

- 8.1 Our POPIA Committee will schedule periodic POPIA audits. The purpose of a POPIA audit is to:
- 8.1.1 Identify the processes used to collect, record, store, disseminate and destroy Personal Information;
  - 8.1.2 Determine the flow of Personal Information throughout Eqstra, for instance, our various business units, divisions, branches and other associated organisations;
  - 8.1.3 Redefine the purpose for gathering and processing Personal Information;
  - 8.1.4 Ensure that the processing parameters are still adequately limited;
  - 8.1.5 ensure that new customers are made aware of the processing of their Personal Information;
  - 8.1.6 Re-establish the basis for any further processing where information is received via a third party;
  - 8.1.7 Verify the quality and security of Personal Information;
  - 8.1.8 Monitor the extent of compliance with POPIA and this policy; and
  - 8.1.9 Monitor the effectiveness of internal controls established to manage Eqstra's POPIA related compliance risk.
- 8.2 In performing the POPIA audit, the POPIA Committee will liaise with line managers in order to identify areas within Eqstra's operation that are most vulnerable or susceptible to the unlawful processing of Personal Information.
- 8.3 Our POPIA Committee will be permitted direct access to and have demonstrable support from line managers and Eqstra's governing body in performing these duties.

## 9. Disciplinary Action

- 9.1 We may recommend any appropriate administrative, legal and/or disciplinary action to be taken against any employee reasonably suspected of being implicated in any non-compliant activity outlined within this policy.
- 9.2 In the case of ignorance or minor negligence, Eqstra will undertake to provide further awareness training to the employee.
- 9.3 Any gross negligence or the wilful mismanagement of Personal Information, will be considered a serious form of misconduct for which we may summarily dismiss the employee.
- 9.4 Disciplinary procedures will commence where there is enough evidence to support an allegation of our employee's gross negligence.
- 9.5 Examples of immediate actions that may be taken subsequent to an investigation include:
- 9.5.1 A recommendation to commence with disciplinary action;
  - 9.5.2 A referral to appropriate law enforcement agencies for criminal investigation;
  - 9.5.3 Recovery of funds and assets in order to limit any prejudice or damages caused.

## 10. Revision History

- 10.1 Policy is in effect from **1 June 2021**
- 10.2 **We reserve the right to review and/or make changes to this policy at any time, without any prior notice or consent, in accordance with any changes in legislation or our internal processes in the handling of your Personal Information.**
- 10.3 We may, but shall not be obliged to, review the terms of this policy on an annual basis.

**ANNEXURE A: OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION**

**IN TERMS OF SECTION 11(3) OF POPIA REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

[Regulation 2]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
<b>Name(s) and surname/ registered name of data subject:</b>	
<b>Unique Identifier/ Identity Number</b>	
<b>Residential, postal or business address:</b>	   <b>Code (    )</b>
<b>Contact number(s):</b>	
<b>Fax number / E-mail address:</b>	
B	DETAILS OF RESPONSIBLE PARTY





Name(s) and surname / Registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	

C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) <i>(Please provide detailed reasons for the objection)</i>

Signed at ..... this ..... day of .....20.....

.....

*Signature of data subject/designated person*



**ANNEXURE B: REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION**

**IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

[Regulation 3]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

**Request for:**

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code (     )



Contact number(s):	
Fax number/E-mail address:	

<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	

<b>C</b>	<b>INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED</b>
<b>D</b>	<b>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and/or  REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</b>



	(Please provide detailed reasons for the request)

Signed at ..... this ..... day of .....20.....

.....

*Signature of data subject/ designated person*



**ANNEXURE C: COMPLAINT REGARDING INTERFERENCE WITH THE PROTECTION OF PERSONAL INFORMATION/ COMPLAINT REGARDING DETERMINATION OF AN ADJUDICATOR**

**IN TERMS OF SECTION 74 OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

[Regulation 7.]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

**Complaint regarding:**

Alleged interference with the protection of personal information

Determination of an adjudicator.

<b>PART I</b>	<b>ALLEGED INTERFERENCE WITH THE PROTECTION OF THE PERSONAL INFORMATION IN TERMS OF SECTION 74 (1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (Act No. 4 of 2013)</b>
<b>A</b>	<b>PARTICULARS OF COMPLAINANT</b>
Name(s) and surname / registered name of data subject:	
Unique Identifier / Identity Number:	
Residential, postal or	



business address:	
	Code ( )
Contact number(s):	
Fax number/ E-mail address:	
<b>B</b>	<b>PARTICULARS OF RESPONSIBLE PARTY INTERFERING WITH PERSONAL INFORMATION</b>
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ( )
Contact number(s):	
Fax number/ E-mail address:	
<b>C</b>	<b>REASONS FOR COMPLAINT</b> <i>(Please provide detailed reasons for the complaint)</i>



<b>PART II</b>	<b>COMPLAINT REGARDING DETERMINATION OF ADJUDICATOR IN TERMS OF SECTION 74 (2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)</b>
<b>A</b>	<b>PARTICULARS OF COMPLAINANT</b>
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number:	
Residential, postal or business address:	
	Code ( )
Contact number(s):	
Fax number/ E-mail address:	
<b>B</b>	<b>PARTICULARS OF ADJUDICATOR AND RESPONSIBLE PARTY</b>
Name(s) and surname of adjudicator:	
Name(s) and surname of responsible party /registered name:	
Residential, postal or	

business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
<b>C</b>	<b>REASONS FOR COMPLAINT</b> <i>(Please provide detailed reasons for the grievance)</i>

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

.....

*Signature of data subject/designated person*





## How to contact us

If you have any queries about this Policy, you need further information about our privacy practices, wish to withdraw consent, exercise preferences or access or correct your Personal Information, please contact us at the details below:

Complaints & Release Requests	Telephone No	Email Address
Eqstra Fleet Management	0860 111 820	<a href="mailto:popia@eqstrafleet.co.za">popia@eqstrafleet.co.za</a>
Enquiries	Telephone No	Email Address
Website	0860 111 820	<a href="http://www.efm.co.za">www.efm.co.za</a>