



EXTERNAL PRIVACY NOTICE

This is the website of the Thelo Group Companies (“Thelo”)
The contact particulars of Thelo for correspondence relating to these Legal Notices at:

The Head: Risk, Compliance and Legal

2nd Floor, Building No. 3
Inanda Greens Business Park
54 Wierda Road West
Wierda Valley
Sandton, 2196
Telephone: 011 290 2300



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01. INTRODUCTION

The Protection of Personal Information Act No. 4 of 2013 (“POPIA”) defines personal information as information that identifies and relates to you or other individuals. We respect the right to privacy and confidentiality of personal information we encounter in conducting our business.

This Privacy Notice sets out the Thelo Group Companies’ (“Thelo”) commitment to compliance with POPIA and other best practice data privacy requirements.

Our aim is to process personal information responsibly, balancing the benefits of activities such as fulfilment of the contractual relationship, research, data analytics with our other commitments, including reliability, transparency, and non-discrimination. This Privacy Notice describes how we handle personal information that we collect through:

- The Thelo website, the software applications made available by us for use on or through computers or mobile devices; and
- Other means (for example, from telephone calls, e-mails, and other communications with us, as well as from other third parties involved in our business dealings with you).

Thelo may amend this Privacy Notice from time to time if the law or business practices require it.

02. KEY DEFINITIONS

TERM	DEFINITION
BIOMETRICS	means a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprint, DNA analysis, retinal scanning and voice recognition;
CHILD	means a person under the age of 18 years;
CONSENT	means any voluntary, specific and informed expression of will in terms of which permission is given for the processing personal information;
DATA SUBJECT	means the natural or juristic person to whom personal information relates;
DE-IDENTIFY	in relation to personal information of a data subject, means to delete any information that – - identifies the data subject; - can be used or manipulated by a reasonably foreseeable method to identify the data subject; or - can be linked by a reasonably foreseeable method to other information that identifies the data subject, and “de-identified” has a corresponding meaning;
FILING SYSTEM	means any structured set of personal information, whether centralised, decentralised or dispersed on a functional or geographical basis, which is accessible according to specific criteria;
INFORMATION OFFICER	means the appointed Information Officer of a private body. Once appointed, the Information Officer must be registered with the South African Information Regulator established under POPIA prior to performing his or her duties;
HEAD	in relation to, a private body means – in the case of a juristic person: - the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer; or - the person who is acting as such or any person duly authorised by such acting person;
INFORMATION REGULATOR	means the Regulator established in terms of Section 39 of POPIA;
OPERATOR	means a person processing personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party e.g., a third-party service provider that has contracted with Thelo to store / de-identify documents containing personal information;
PROCESSING	means any operation or activity or any set of operations, whether by automatic means or not, concerning personal information, including –

	- the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; - dissemination by means of transmission, distribution or making available in any other form; or products and legal matters relating to those products; or - merging, linking, as well as restriction, degradation, erasure, or destruction of information;
RECORD	means any recorded information – regardless of form or medium, including any of the following: - writing of any material; - information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored; - label, marking or other writing that identifies or describes anything of which it forms; - part, or to which it is attached by any means; - book, map, plan, graph or drawing; - photograph, film, negative, tape or other device in which one or more visual images are embodied to be capable, with or without the aid of some other equipment, of being reproduced; - in the possession or under the control of a responsible party; - whether or not it was created by a responsible party; and - regardless of when it came into existence;
RESPONSIBLE PARTY	means a public or private body or any other person which, alone or in conjunction with others determines the purpose of and means for processing personal information;
PERSON	means a natural person or a juristic person;
PERSONAL INFORMATION	means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to – - information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person; - information relating to the education or the medical, financial, criminal or employment history of the person; - any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other assignment to the person; - the biometric information of the person; - the personal opinions, views or preferences of the person; - 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; - the views or opinions of another individual about the person and; - the 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;
PRIVATE BODY	- means a natural person who carries or has a carried on any trade, business or profession, but only in such capacity; - a partnership which carries or has carried any trade, business or profession; - any former or existing juristic person but excludes a public body;
SPECIAL PERSONAL INFORMATION	means the personal information concerning - 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;
THELO GROUP OF COMPANIES	means Thelo Infrastructure Development (Pty) Ltd and Thelo Rolling Stock Leasing (Pty) Ltd.

03. GENERAL INFORMATION

3.1 Personal information that we collect:

- General identification and contact information: These include but is not limited to your name and surname; signature; address; e-mail and telephone details;
- Financial information and account details: These include but is not limited to your bank account number; and account details; credit history and credit score; assets; income / revenue; and other financial information;
- Identification numbers issued by government bodies or agencies: These include but is not limited to Identity number; passport number; or tax number;
- Recordings: These include but is not limited to MS Teams / Zoom / Other recordings;
- Information relating crime, including fraud, money laundering, terrorist financing and proliferation of weapons of mass destruction financing: This includes such information uncovered as part of a Thelo due diligence process reportable to law enforcement agencies;
- Information enabling us to provide contracted services: These include but is not limited to your status as director or partner, or other ownership or management interest in an organisation; and
- Other sensitive information: In certain cases, we may receive sensitive information about your religious beliefs or political opinions that you voluntarily provide to us. In addition, we may obtain information about your criminal record or civil litigation history for internal due diligence processes.

3.2 Other information we collect: We and our third-party service providers may collect Other Information in a variety of ways, including:

- **Through your web browser:** Certain information is collected by most websites, such as your IP address (i.e., your computer's address on the internet), screen resolution, operating system type (Windows or Mac) and version, internet browser type and version, time of the visit and the page(s) visited. We use this information for purposes such as calculating Thelo website usage levels, helping diagnose server problems, and administering the website.
- **Using cookies:** Cookies are pieces of information stored directly on the computer you are using. Cookies allow us to recognise your computer and to collect information such as internet browser type, time spent on the website, pages visited, language preferences, etc. We may use the information for security purposes, to facilitate navigation, to display information more effectively, to personalise your experience while visiting the website, or to gather statistical information about the usage of the Site. Cookies further allow us to present to you the advertisements or offers that are most likely to appeal to you. We may also use cookies to track your responses to our advertisements and we may use cookies or other files to track your use of other websites.

You can refuse to accept other cookies we use by adjusting your browser settings. However, if you do not accept these cookies, you may experience some inconvenience in your use of the website and some online services.

- **Using pixel tags, web beacons, clear GIFs, or other similar technologies:** These may be used in connection with some website pages and HTML-formatted e-mail messages to, among other things, track the actions of website users and e-mail recipients, measure the success of our marketing campaigns and compile statistics about website usage and response rates.
- **From you:** Some information (for example, your location or preferred means of communication) is collected when you voluntarily provide it. Unless combined with personal information, this information does not personally identify you.
- **By aggregating information:** We may aggregate and use certain information (for example, we may aggregate information to calculate the percentage of our users who are in a certain area).

3.3 Collecting and sharing personal information about you

Thelo may collect and share Personal Information available to Thelo. Access to personal information within Thelo is restricted to those individuals who have a need to access the information for our business purposes. These are:

- **Our service providers:** External third-party service providers, such as accountants, auditors, lawyers and other outside professional advisors; IT systems, support and hosting service providers; printing, advertising, marketing and market research and analysis service providers; banks and financial institutions that service our accounts; document and records management providers; consultants; translators; and similar third-party vendors and outsourced service providers that assist us in carrying out business activities.
- **Governmental authorities and third parties involved in court action:** Thelo may also collect and share Personal Information with governmental or other public authorities (including, but not limited to, workers' compensation boards, courts, law enforcement, tax authorities and criminal investigations agencies); and third-party civil legal process participants and their accountants, auditors, lawyers and other advisors and representatives as we believe to be necessary or appropriate to:
 - Comply with applicable law, including laws outside your country of residence;
 - Comply with legal process;
 - Respond to requests from public and government authorities including public and government authorities outside your country of residence;
 - Enforce our terms and conditions;
 - Protect our operations or those of any of our companies;
 - Protect our rights, privacy, safety, or property, and/or that of our companies, you, or others; and
 - Allow us to pursue available remedies or limit our damages.
- **Other third parties:** We may collect and share your Personal Information with emergency providers (fire, police and medical emergency services); attorneys, tracing agents, debt collectors and other persons that assist with the enforcement of agreements; organisations and providers; credit bureaus; credit reporting agencies; and other people involved in an incident that is the subject of a business enquiry; as well as purchasers and prospective purchasers or other parties in any actual or proposed re-organisation, merger, sale, joint venture, assignment, transfer or other transaction relating to all or any

portion of our business or assets.

To check information provided, and to detect and prevent fraudulent claims. Information may also be shared with industry associations. If the law requires us to do so, we will ask for your consent before collecting personal information about you from third parties.

- **You:** We collect information about you –
 - directly from you;
 - based on how you engage or interact with us, such as on social media, and through e-mails, letters, telephone calls, and surveys;
 - based on your use of our services, or service channels (such as our websites and applications); and
 - personal information may also be shared by you, on message boards, social media and blogs, and other services to which you are able to post information and materials. Please note that any information you post or disclose through these services will become public information; and may be available to visitors on the website and to the general public. We urge you to be very careful when deciding to disclose your Personal Information, or any other information, on online platforms.

3.4 From whom do we collect the personal information and when will we process it?

We will only process your personal information for lawful purposes relating to our business if the following circumstances apply:

- You have consented thereto;
- A person legally authorised by you, the law or a court, has consented thereto;
- It is necessary to conclude or perform under a contract we have with you;
- The law requires or permits it;
- It is required to protect or pursue your, our or a third party's legitimate interest; and/or
- You are a child, and a competent person (such as a parent or guardian) has consented thereto on your behalf.

3.5 When will we process your special personal information?

We may process your special personal information in the following circumstances:

- If you have consented to the processing;
- If the processing is needed to create, use or protect a right or obligation in law;
- If the processing is for statistical or research purposes, and all legal conditions are met;
- If the special personal information was made public by you;
- If the processing is required by law; and/or
- If racial information is processed and the processing is required to identify you.

3.6 When and how we will process the personal information of children

Thelo is a business-to-business interfacing organisation and only process personal information of children if statutorily obligated to do so.

3.7 How we process information about persons related to a juristic person

If you are a juristic person, such as a company or close corporation, we may collect and use personal information relating to the juristic person's directors, officers, employees, beneficial owners, partners, shareholders, members, authorised signatories, representatives, agents, payers, payees, customers, guarantors, spouses of guarantors, sureties, spouses of sureties, other security providers and other persons related to the juristic person. These are related persons.

If you provide the personal information of a related person to us, you warrant that the related person is aware that you are sharing their personal information with us, and that the related person has consented thereto. We will process the personal information of related persons as stated in this Privacy Notice.

3.8 Personal information of other individuals

If you provide personal information to Thelo regarding other individuals, you agree to:

- Inform the individual about the content of this Privacy Notice; and
- Obtain any legally required consent for the collection, use, disclosure, and transfer (including over-border transfer) of personal information about the individual in accordance with this Privacy Notice.

3.9 Reasons we need to process your personal information

Personal information may be obtained to:

- Enable us to deliver goods, documents or notices to you;
- Carry out your instructions and requests;
- Communicate with you and others as part of our business operations;
- Send you important information regarding changes to our business processes and other administrative information;
- Establish, manage and maintain your relationship with us;
- Disclose and obtain personal information from credit bureaus regarding your credit history;
- Make decisions about whether to enter into a business relationship with you;
- Enforce and collect on any agreement when you are in default or breach of the terms and conditions of the agreement, such as tracing you; or to institute legal proceedings against you;
- Prevent, detect, investigate, and report crime, including fraud, financing of terrorism and money laundering, and analyse and manage other commercial risks. This may include the processing of special personal information, such as alleged criminal behaviour or the supply of false, misleading or dishonest information when contracting with us, or avoiding liability by way of deception;

- Manage our infrastructure and business operations, and comply with internal policies and procedures, including those relating to auditing; finance and accounting; invoicing and collections; IT systems; data and website hosting; business continuity; and records and document management;
- Process payment instruments and payment instructions;
- Resolve complaints, and handle requests for data access or correction;
- Fulfil reporting requirements and information requests;
- Comply with applicable laws and regulatory obligations (including laws, directives, sanctions and rules outside your country of residence), such as those relating to anti-money laundering and anti-terrorism; comply with legal process; and respond to requests from public and governmental authorities (including those outside your country of residence);
- Establish and defend legal rights; protect our operations; our rights, privacy, safety or property, and/or that of Thelo, you or others; and pursue available remedies or limit our damages;
- For security and identity verification, and to check the accuracy of your personal information; or
- For any related purposes.

3.10 Security

We will take appropriate and reasonable technical, physical, legal, and organisational measures, which are consistent with applicable privacy and data security laws. These include the following:

- Keeping our systems secure (such as monitoring access and usage);
- Storing our records securely;
- Controlling the access to our buildings, systems and/or records; and
- Safely destroying or deleting records.

Unfortunately, no data transmission over the Internet or data storage system can be guaranteed to be 100% secure. If you have reason to believe that your interaction with us is no longer secure (for example, if you feel that the security of any personal information you might have with us has been compromised), please immediately call us directly on telephone number +27 11 290 2300.

When we provide personal information to a service provider, the service provider will be selected carefully and required to use appropriate measures to protect the confidentiality and security of the Personal Information.

3.11 Retention of personal information

We take reasonable steps to ensure that the personal information we process is reliable for its intended use, and as accurate and complete as is necessary to carry out the purposes described in this Privacy Notice. We will retain personal information for the period necessary to fulfil the purposes outlined in this Privacy Notice unless a longer retention period is required or permitted by other applicable law. We will keep your personal information for as long as:

- The law requires us to keep it;
- A contract between you and Thelo requires us to keep it;
- You have consented to us keeping it;

- We require it for statistical or research purposes, we will then de-identify the personal information where necessary; and/or
- We require it for our lawful business purposes.

TAKE NOTE: We may keep your personal information even if you no longer have a relationship with us, if permitted in law.

3.12 Over-border transfer of personal information

Due to the presence of our business activities in other countries, for the purposes set out above, we may transfer Personal Information to parties located in those countries that have a different data protection regime than is found in the country where you are based. We may transfer information internationally to service providers, business partners and governmental or public authorities.

3.13 Your duties and rights regarding the personal information we have of you

You must provide proof of identity when enforcing the rights below. You must inform us when your personal information changes. Refer to the Thelo Promotion of Access to Information Act, 2000 (“PAIA”) Manuals for further information on how you can give effect to the rights listed below. You have the right to request access to the personal information we have about you by contacting us. This includes requesting:

- Confirmation that we hold your personal information;
- A copy or description of the record containing your personal information; and
- The identity or categories of third parties who have had access to your personal information.

We will attend to requests for access to personal information within a reasonable time. You may be required to pay a reasonable fee to receive copies or descriptions of records, or information about, third parties. We will inform you of the fee, if applicable, before attending to your request.

Please note that the law may limit your right to access information. You have the right to request us to correct or delete the personal information we have about you if it is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, obtained unlawfully, or if we are no longer authorised to keep it, under certain circumstances. You must inform us of your request in writing.

Please refer to our Thelo PAIA Manuals for further information in this regard, such as the process you should follow to give effect to this right. It may take up to 30 business days for the change to reflect on our systems. We may request documents from you to verify the change in personal information.

A specific agreement that you have entered with us may determine how you must change your personal information provided at the time when you entered into the specific agreement. Please adhere to these requirements.

If the law requires us to keep the personal information, it will not be deleted upon your request. The deletion of certain personal information may lead to the termination of your business relationship with us.

You may object on reasonable grounds to the processing of your personal information. We will not be able to give effect to your objection if the processing of your personal information was and is permitted by law, you have provided consent to the processing, and our processing was conducted in line with your consent; or the processing is necessary to conclude or perform under a contract with you.

You must inform us of any objection in writing. Please refer to our Thelo PAIA Manuals for further information in this regard, such as the process you should follow to give effect to this right.

Where you have provided your consent for the processing of your personal information, you may withdraw your consent. If you withdraw your consent, we will explain the consequences to you. We may proceed to process your personal information, even if you have withdrawn your consent, if the law permits or requires it. It may take up to 30 business days for the change to reflect on our systems. During this time, we may still process your personal information. The withdrawal of your consent may lead to the termination of your business relationship with us.

You have a right to file a complaint with us or the Information Regulator by email at complaints.IR@justice.gov.za about an alleged contravention of the protection of your personal information. We request that you first address your complaint to us.

3.14 Complaints procedure

You have the right to complain in the event where any of your rights in terms of POPIA have been infringed. Thelo takes all complaints in a serious light and will address all personal information/privacy related complaints in accordance with the following procedure:

- Where the complaint has been received by any person other than the relevant Information Officer, that person shall ensure that full details of the complaint reach the relevant Information Officer as soon as possible;
- You will receive a written acknowledgement of receipt;
- The relevant Information Officer will carefully consider the complaint and address the complaint's concerns in an amicable manner and in accordance with the principles of POPIA;
- The relevant Information Officer must also determine whether the complaint relates to an error or breach of confidentiality that has occurred, and which may have a wider impact on the data subjects of Thelo;
- Where the relevant Information Officer has reason to believe that your personal information has been accessed or acquired by an unauthorised person, the Head: Risk, Compliance and Legal must be consulted and the affected data subjects and the Information Regulator must be informed of the breach;
- The relevant Information Officer will revert to you with a proposed solution within 7 working days upon receipt of the complaint. In all instances, Thelo will provide reasons for any decisions taken and communicate any anticipated deviation from the specified timelines;
- A response to you may comprise any of the following:
 - A recommendation or remedy for the complaint;

- A dismissal of the complaint with reasons as to why it was dismissed; or
- An apology (if applicable) with appropriate action against any persons involved.
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- Where you are not satisfied with the outcome or handling of the complaint, you have the right to complain to the Information Regulator; and
- The relevant Information Officer will regularly review the complaints process and procedure to assess its effectiveness. A root cause analysis of the complaints will be done to avoid re-occurrences that give rise to POPIA related complaints.

3.15 Who to contact about your personal information?

Access to information requests can be made by email with the prescribed form; addressed to the relevant Information Officer. Once the request is received, the relevant Information Officer will verify the identity of data subject prior to handing out/disclosing any personal information. All requests will be processed and considered against this Notice. The relevant Information Officer will process all requests within a reasonable time.

If you have any queries about our use of your Personal Information you can e-mail the relevant Information Officer at info@thelo.africa

3.16 Information Officer

Accountabilities, roles, and responsibilities – The relevant Information Officer in Thelo is appointed according to the legal and regulatory requirements, and will fulfil their regulatory obligations to protect personal information in Thelo. The relevant Information Officer is responsible for:

- Encouraging compliance with the conditions for lawful processing of personal information;
- Attending to requests and complaints made by data subjects in terms of POPIA and PAIA;
- Assisting the Information Regulator with any investigation relating to Thelo's POPIA and PAIA compliance;
- Being the custodian of any activity relating to the processing of personal information and if any of the provisions of POPIA is breached, he or she could ultimately be held liable for that transgression;
- Ensuring that Privacy Notices for internal and external purposes are developed and published;
- Ensuring that Thelo makes it convenient for data subjects to update their personal information or submit POPIA related complaints to Thelo; and
- Liaising and working with the Information Regulator in relation to ongoing investigations, arising issues, reporting and any other related matter in consultation with the Thelo Risk, Compliance and Legal Department.

3.17 Marketing preferences

We may use your personal information to market our services to you. We may do this in person, by post, telephone, or electronic channels such as SMS and email. We will provide you with regular opportunities to tell us your marketing preferences, including in our communications to you. You can also contact us by e-mail to tell us your marketing preferences and to opt-out.

If you no longer want to receive marketing-related communications from Thelo going-forward, you may opt-out of receiving these marketing-related communications at any time. We aim to comply with your opt-out request(s) within a reasonable time period. Please also note that if you do opt-out of receiving marketing communications from us, we may still send you other important administrative communications from which you cannot opt-out. If you are not our client, or in any other instances where the law requires, we will only market to you by electronic communications with your consent.

3.18 General Matters

- **Target audience:** All persons providing personal information to Thelo, all persons requesting and making use of information obtained by Thelo by rightful consent and/or lawful processing.
- **Administrator of this Privacy Notice:** Head: Risk, Compliance and Legal, tel. +27 11 290 2300.