

EXTERNAL PRIVACY POLICY

This external privacy policy ("**Policy**") is effective as of 1 July 2021.

1 INTRODUCTION

- 1.1 PSG Capital Proprietary Limited ("**PSG Capital**", "**we**", or "**us**") has issued this Policy to set out the personal information that we collect and process about you, the purposes of the processing, and the rights that you have in connection with such personal information and its collection and processing. "**Group**" refers herein to PSG Capital, its subsidiaries and holding companies, as well as any subsidiaries of such holding companies.
- 1.2 PSG Capital, as a responsible party, is committed to complying with its obligations in terms of the Protection of Personal Information Act, No. 4 of 2013 ("**POPIA**"), the Promotion of Access to Information Act, No. 2 of 2000, as well as other relevant data protection legislation. We respect the privacy rights of our clients, service providers and suppliers, and are committed to handling personal information responsibly and in accordance with applicable law.
- 1.3 If you have any questions regarding this Policy or the applicable law, please contact us at the contact details in section 11 below.

2 WHO DOES THIS POLICY APPLY TO?

- 2.1 This Policy applies to our clients, service providers and suppliers as well as prospective clients, service providers, suppliers, any other party/ies who are our agents or are working on our behalf or in our name, whether it be through the outsourcing of services, processes or any business activities (collectively referred to as "**you**" or "**your**").
- 2.2 This Policy does not apply to PSG Capital's employees and staff, whose personal information is instead dealt with in accordance with PSG Capital's Internal Privacy Policy. If you would like to learn more about how we process the personal information of visitors to our website, please visit our website and read our Website Privacy & Cookie Policy.
- 2.3 This Policy applies where we process your personal information in any form – whether oral, electronic or written.

3 WHAT TYPES OF PERSONAL INFORMATION DO WE PROCESS?

- 3.1 Most of the personal information we process about you is information that you knowingly provide to us (i.e. personal information that you provide directly to us). However, in some instances, we process personal information that we are able to infer about you based on other information you provide to us (such as supporting documents) or on our interactions with you, or personal information about you that we receive from a third party using a process that we have told you about. For example, we may contract with third parties to support us to do credit and background checks.

3.2 We process the following personal information for the following purposes –

Categories of personal information processed by us	Purpose of processing
Clients	
Identity information: Company or entity name, registration number, registered address.	To enter into the contract with the client and to provide the services to the client. To conduct background checks as required by law.
Contact information: Contact information of representatives of the client and records of correspondence with the client representatives.	To send correspondence and information in connection with ongoing mandates, specific transactions or corporate actions, or other matters; To follow up as part of our customer service; and To send direct marketing.
CCTV: Information captured on security systems, including CCTV and key token entry systems.	To prevent and detect crime; To protect the health and safety of our clients and staff; and To manage and protect our property and the property of our staff, clients and other visitors.
Information from screenings: Where permitted by law, the personal information from screening including COVID-19 screenings.	To protect the health and safety of our clients and staff; and To comply with applicable health and safety laws.
Service providers or suppliers	
Identity information: Company or entity name, registration number, registered address.	To enter into the contract with the supplier or service provider.

Contact information: Contact information of representatives of the service provider or supplier and records of correspondence with such representatives.	To send correspondence and information in connection with the service/supply relationship and matters arising from it.
Financial information: Bank account details; taxpayer information.	To perform under the contract and make payment to the service provider or supplier.
CCTV: Information captured on security systems, including CCTV and key token entry systems.	To prevent and detect crime; To protect the health and safety of our clients and staff; and To manage and protect our property and the property of our staff, clients, service providers, suppliers and other visitors.
Information from screenings: Where permitted by law, the results of drug and alcohol testing, screening, health certifications; COVID-19 screenings.	To protect the health and safety of our clients and staff; and To comply with applicable health and safety laws.

3.3 Unless otherwise stated, all information we request from you is obligatory. If you do not provide and/or allow us to process all the obligatory information as requested, we will not be able to keep complete information about you, thus affecting our ability to accomplish the above stated purposes.

3.4 **Special personal information**

3.4.1 There may be limited instances in which the personal information that you provide to us or that we collect is considered “**Special Personal Information**” under applicable data protection legislation.

3.4.2 Special Personal Information includes, among other things, any information that reveals your racial or ethnic origin, religious, political or philosophical beliefs, genetic data, biometric data for the purposes of unique identification, trade union membership, information about your health, gender and sexual orientation, as well as criminal behaviour related to the alleged commission by you of any offence, or any proceedings in respect of any offence allegedly committed by you or the disposal of such proceedings.

3.4.3 As a general rule, we attempt to limit the collection and processing of Special Personal Information about you, unless authorised by law or where necessary to comply with applicable laws.

3.4.4 However, in some circumstances, we may need to collect, or request on a voluntary disclosure basis, Special Personal Information for legitimate business-related purposes including (i) to comply with Broad-Based Black Economic Empowerment requirements; or (ii) government reporting obligations or (iii) in the case of information about your health, to provide work-related accommodations or to secure our premises.

3.5 **Other data subjects' personal information**

3.5.1 There may be instances in which the personal information that you provide to us or which we collect constitutes personal information of someone other than yourself.

3.5.2 Where you provide a third party's personal information to us, you warrant that the information is accurate and that you have the necessary consent to share the data with us, unless you have another lawful basis for sharing the data with us.

3.5.3 This applies to, for example, personal information related to your customers, directors, shareholders, and service providers.

4 **LAWFUL BASIS FOR PROCESSING**

4.1 There are 6 available legal (lawful) basis for using your personal information. Our legal basis for collecting and using the personal information described above will depend on the personal information concerned and the specific context in which we collect it.

4.2 **Personal information**

4.2.1 The basis on which we rely for the purposes above are –

4.2.1.1 **Legitimate interests:** In most cases, we process your personal information in line with our legitimate business interests, which interests are not overridden by your data protection interests or fundamental rights and freedoms.

4.2.1.2 **Contract:** We will also process your personal information to the extent it is necessary to conclude or perform under the contract we have with you.

4.2.1.3 **Legal obligation:** We have certain legal obligations which require us to process your personal information. This includes processing for tax purposes and 'KYC' purposes.

4.2.1.4 **Consent:** In certain limited instances, we will process your personal information, but only with your prior consent.

4.3 **Special Personal Information**

4.3.1 We may process your Special Personal Information on the following basis –

4.3.1.1 **Consent:** In certain limited instances, we will process your Special Personal Information, but only with your prior consent.

4.3.1.2 **Legal obligation:** We have certain legal obligations (including government reporting obligations) which requires us to process your Special Personal Information. We will do so in line with this Policy.

4.4 If you have questions about, or need further information concerning, the legal basis on which we collect and process your personal information, please contact us using the contact details provided in section 11 below.

5 **AUTOMATED DECISION MAKING**

5.1 An automated decision takes place when an electronic system uses personal information to make a decision without human intervention.

5.2 We do not envisage that any decisions will be taken about you or your personal information using automated means. Should this change in future, the Policy will be amended to cater for this, if required.

5.3 Any use of automated decision-making will not have a significant impact on you and will only be used if we have a lawful basis for doing so in the following circumstances:

5.3.1 Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights; and/or

5.3.2 In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

6 **DATA RETENTION**

6.1 We keep records of your personal information no longer than is necessary for the purpose for which we obtained them and for any other permitted compatible purposes.

6.2 The prohibition listed in clause 6.1 will not apply in the following circumstances –

6.2.1 where the retention of the record is required or authorised by law;

6.2.2 PSG Capital requires the record to fulfil its lawful functions or activities;

6.2.3 retention of the record is required by a contract between the parties thereto;

6.2.4 the data subject (or competent person, where the data subject is a child) has consented to such longer retention; or

6.2.5 the record is retained for historical, research or statistical purposes, provided safeguards are put in place to prevent use for any other purpose.

6.3 Should you exercise your rights under sections 14 or 24 of POPIA, we will, as soon as reasonably practicable, delete your personal information under our control from all systems, provided that we are not subject to a legal requirement to retain such personal information, we would be unable to perform our contractual obligations to you if such personal information is deleted or we have another lawful basis to retain such personal information. Insofar as backups are concerned, please take note that the integrity of our backups is of paramount importance to our operations and to the clients we serve. Deleting single data entries from compressed backup files may jeopardise the integrity of the entire backup file and may negatively affect our ability to recover data for business continuity and disaster recovery purposes. Should the personal information you wish deleted be stored in backup files, this personal information will be deleted in due course. Access to our back-up files is restricted and these files are not generally accessible by our employees, nor is it being used in any of our production (live) systems, unless required for business continuity or disaster recovery purposes.

6.4 If you wish to understand more about the retention periods applicable to your personal information, contact our Information Officer (see section 11 below).

7 SHARING OR TRANSFERRING YOUR PERSONAL INFORMATION

7.1 General

In order to carry out the purposes outlined above, information about you will be disclosed for the purposes set out above to other third parties. When we share your personal information, we shall, where appropriate/required, require that all third party recipients treat your personal information as confidential and in conformity with this Policy.

7.2 Centralised Data Processing Activities

7.2.1 Like many businesses, we have centralised certain aspects of our data processing and administration in accordance with applicable data protection laws and any other applicable laws in order to allow us to better manage our business. That centralisation may result in the transfer of personal information from one country to another or from PSG Capital to another entity in the Group.

7.2.2 If PSG Capital discloses the personal information it holds about you to any other entity in the Group, such other entity must first have agreed (or be deemed to have agreed) to be bound by this Policy with respect to their processing of your personal information.

7.3 **Third party service providers**

7.3.1 Like many businesses, from time to time, we outsource the processing of certain functions and/or information to third parties.

7.3.2 When we do outsource the processing of your personal information to third parties or provide your personal information to third party service providers, we oblige those third parties to agree to (i) protect your personal information in accordance with the terms and conditions of this Policy; (ii) treat the personal information as confidential and not share or transfer your personal information to any other entity without our express written permission; (iii) adopt appropriate security measures; and (iv) only use your personal information for the purposes of fulfilling their obligations to us or (via us) to you.

7.4 **Business Transfers**

As we continue to develop our business, we may buy or sell the business or certain assets. In such transactions, contracts with you is generally one of the transferred business assets. We may share your personal information with any prospective or actual third party buyers (and their advisors) in respect of such business transfers.

7.5 **Legal Requirements**

7.5.1 We reserve the right to disclose any personal information we have concerning you if we are compelled to do so by a court of law or requested to do so by a governmental or regulatory entity or if we determine it is necessary or desirable to comply with the law or to protect our legitimate interests in accordance with applicable laws.

7.5.2 We also reserve the right to retain personal information collected and to process such personal information to comply with accounting requirements, tax rules, regulations and any specific record retention laws.

7.6 **Transfers outside of the applicable jurisdiction**

Should your personal information move outside of South Africa, the European Economic Area or another jurisdiction that restricts the international transfer of personal information, we shall require the person or entity to whom such information is provided to employ locally-compliant mechanisms to ensure that the same level of data protection is applied in the jurisdiction where the data is being processed.

8 **WHAT ARE YOUR RIGHTS?**

8.1 As a data subject, you have a number of rights including –

- 8.1.1 **Access rights:** You have the right to access your personal information in many circumstances. This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- 8.1.2 **Right to rectification:** You can require us to have inaccurate personal information corrected.
- 8.1.3 **Right to erasure:** You can require us to erase personal information in certain circumstances where there is no lawful basis for us to retain such personal information. Please note, however, that in some instances we must retain your personal information for certain periods of time as required by law. We will do so in accordance with our Data Retention, Storage and Disposal Policy. You can request a copy of this policy from our Information Officer.
- 8.1.4 **Right to restrict:** You can require us to restrict our processing of your personal information in certain circumstances.
- 8.1.5 **Right to withdraw consent:** You can withdraw any consents to processing that you have given us and prevent further processing if there is no other legitimate ground upon which we can process your personal data.
- 8.1.6 **Right to complain:** You can raise a complaint about our processing with the data protection regulator in your jurisdiction, or with our Information Officer.

8.2 Your duty

- 8.2.1 **Duty to inform us of changes to your personal information:** It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

9 **DUTY TO ADHERE TO DATA PRIVACY LAWS: IN TERMS OF OUR CONTRACT OR WORKING RELATIONSHIP WITH YOU, WE MAY IMPOSE CERTAIN OBLIGATIONS ON YOU OR YOU MAY HAVE GIVEN CERTAIN WARRANTIES OR UNDERTAKINGS IN RESPECT OF YOUR COMPLIANCE WITH DATA PRIVACY LAWS. WE EXPECT YOU TO AT ALL TIMES ADHERE TO THESE TERMS AND ABIDE BY DATA SECURITY**

- 9.1 The personal information we collect from you is stored by us and/or our service providers on databases protected, as far as reasonably possible, through a combination of physical and electronic access controls, firewall technology and other appropriate administrative, technical, personnel and physical security measures.
- 9.2 Nevertheless, such security measures cannot prevent all loss, misuse or alteration of personal information and we are not responsible for any damages or liabilities relating to any such incidents to the fullest extent permitted by applicable law and other applicable laws.

- 9.3 Where required under law, we will notify you of any such loss, misuse or alteration of personal information that may affect you, so that you can take the appropriate actions for the due protection of your rights.

10 **CHANGES TO THIS POLICY**

At our discretion and as necessary, we may amend this Policy from time to time. To assist you, this Policy has an effective date set out at the beginning of this document. The latest version of this Policy will be stored on the PSG Capital website.

11 **REQUEST FOR ACCESS TO PERSONAL INFORMATION/QUESTIONS OR COMPLAINTS**

- 11.1 If you have any questions about this Policy, or any concerns or complaints with regard to the administration of the Policy, or if you would like to submit a request for access to the personal information that we maintain about you, please contact our Information Officer by any of the following means –

informationofficer@psgcapital.com

(021) 887 9602

- 11.2 We will revert, depending on the nature of the request, as soon as possible.

- 11.3 You have the right to complain to the relevant regulator, if you believe that the processing of your personal information by PSG Capital breaches the applicable data privacy laws, with the contact information of the South African Information Regulator being provided below:

The Information Regulator (South Africa)

Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001, South Africa

Website: <https://info regulator.org.za/>

Tel: 010 023 5200

Email: POPIAComplaints@info regulator.org.za