



PRIVACY AND COOKIES NOTICE

1. PURPOSE

- 1.1 To comply with the Protection of Personal Information Act 4 of 2013 (POPIA), a person processing another person's (whether a natural person or juristic person) personal information must:
- 1.2.1 Provide the owner of the personal information with a number of details pertaining to the processing of his/her/its personal information, before such information is processed; and
- 1.2.2 Get permission or consent from the owner of such personal information to process his/her/its personal information, **unless** such processing is:
- Necessary to carry out actions for the **conclusion or performance of a contract** to which the owner of the personal information is a party;
 - Required to comply with an **obligation imposed by law**;
 - For a **legitimate purpose or is necessary to protect the legitimate interest(s) and/or for pursuing the legitimate interests** of the owner of the personal information, the person processing the personal information or that of a third party to whom the personal information is supplied; or
 - Necessary for the proper performance of a **public law duty** by a public body or on behalf of a public body.
- 1.2 Where any person uses our website, electronic applications, email, electronic services, social media sites and/or services or messaging services, we will have to process such person's personal information.
- 1.3 In accordance with POPIA, and because your privacy is important to us, please take note of this Notice, as it describes how we process your personal information, including the receipt, collection, use, disclosure, sharing, retention and, importantly, the protection of your personal information.
- 1.4 This Notice also asks that you provide us with your consent to process your personal information, where this is required, which consent will be deemed to have been given by yourself when you provide us with your personal information for processing.

2. APPLICATION OF THE PRIVACY AND COOKIES NOTICE

This Privacy and Cookies Notice applies to the use of the IRBA website (<https://www.irba.co.za>) (hereinafter referred to as the "**website**").

3. WHAT PERSONAL INFORMATION DO WE COLLECT AND PROCESS?

When you use our website, we will collect, without detracting from the generality thereof, the following personal information that belongs to you:

- **General contact and account details** (including your name and business name, where applicable); contact details (including your address, email address and telephone or cellular phone number); identity number or business registration number; name of employer; membership numbers; and account logon details (including your password or identifiers and security questions, which may have been allocated to you).
- **Device and browser information** (including the device identification number and type); network and connection information (including the Internet Service Provider (ISP) and the Internet Protocol (IP) addresses); device and browser identifiers and information (including the device, application, browser type/version, plug-in type and version, operating system, user agent, language, time zone settings and other technical information); advertising identifiers; cookie identifiers and information; and similar data.
- **Usage information and browsing history**, such as usage metrics (including usage rates, occurrences of technical errors, diagnostic reports, settings preferences, backup information, API calls and other logs); content interactions (including searches, views, downloads, prints, shares, streams and display/playback details); user journey history (including clickstreams, page navigation, URLs, timestamps, content viewed or searched for, page response times, page interaction information such as scrolling, clicks and mouse-overs, and download errors); advertising interactions (including when and how you interact with marketing and advertising materials, click rates, purchases or the next steps you may make after seeing an advertisement and marketing preferences); and similar data.
- **Location data**, such as the location of your device; your household; and similar location data.
- **Demographic information**, such as country; preferred language; age and date of birth; marital status; gender; physical characteristics; and personal or household/familial financial status and metrics.
- **Credit history**, under and in terms of a credit application or application to do business, if concluded online.
- **Vehicle details**, where access to our facilities is required.
- **Serial numbers of assets and/or devices**, where access to our facilities or website is required.
- **Billing and account related details** for billing and payment purposes, including credit card details, debit card details, expiration dates as well as shipping and billing addresses.
- **Opinions and preferences.**
- **Your image**, such as still pictures, video, voice and other similar data.
- **Social media and online content**, such as information placed or posted on social media, online profiles, online posts and similar data.

4. HOW WE COLLECT INFORMATION

4.1 We collect the personal information detailed above about you and any other parties whose details you provide to us, when you use and access the website, including any access to such website to:

- Make enquiries about the IRBA or its services, affiliates, service providers or business partners;
- Use the IRBA services, especially any eServices that are available or accessible via our website, and to allow us to send you details regarding any request or requirement that you have asked of us, including any confirmation of request or order;
- Complete online forms, including call-back requests;
- Make payments;
- Take part in surveys, post content on our message boards or post on any blogs;
- Enter any competitions or prize draws;
- Register to attend one of our events;
- Look for, locate, read and/or download information or publications about us or our related companies and trading partners;
- Request or sign up for or view marketing material;
- Perform contractual terms or enforce contractual rights;
- Obtain details of our terms, conditions, policies and procedures, and enforce and apply same;
- Participate in any interactive areas that appear on our website;
- Interact with us, our affiliates, service providers, business partners or others;
- Provide us with or update any of your personal information;
- Send us an email; and
- Click on a link in an email, advertisement or communication received from us.

4.2 We will also collect your personal information where you only partially complete and/or abandon any information inputted into our website, including online forms; and we may use this information to contact you to remind you to complete any outstanding information and/or for marketing, research or analysis purposes.

4.3 We will also collect your personal information from your own devices, including mobile devices and/or the devices that you use to access our website, which information is collected using cookies or similar technologies, as described and set out under clause 5.2.

4.4 We may enhance personal information we collect from you with information we obtain from third parties that are entitled to share that information, for example, information from credit agencies, search information providers or public sources, for any lawful purposes that include due diligence, but in each case as permitted by applicable laws.

5. PURPOSES FOR THE COLLECTION AND USE OF YOUR INFORMATION

5.1 The personal information detailed under clause 4 above and which you provide to us is used for the following purposes:

- To **provide any information** to you that you have requested (**legitimate purpose**);
- To **provide you with any organisational information** or services that you have enquired about and/or requested (**legitimate and contractual purposes**);
- For the performance of or legal obligations, statutory mandate and/or contractual terms, or the enforcement of same (**legitimate and contractual purposes**);
- To provide you with the details of our **terms, conditions, policies and procedures** and to enforce and apply same (**legitimate and contractual purposes**);
- To **provide, maintain, protect and improve** our website, IRBA services and products (**legitimate purpose**);
- To **manage and administer IRBA** services or products you have asked us to provide you with (**legitimate and contractual purposes**);
- To manage our relationship with you, for example, statutory, public and support services or activities (**legitimate and contractual purposes**);
- To **provide you with any information that we are required to send to** you in order to comply with our legal, regulatory, contractual or service obligations (**legitimate, lawful and contractual purposes**);
- To **deliver targeted advertising, marketing** (including in-product messaging) or information that you may find useful, based on your use of the website or the IRBA services, in your capacity as our stakeholder, or which has been obtained in the context of your registration and where you have agreed to receive such content; or to provide you with **location-based services** (for example, advertising and other personalised content), where we collect geo-location data (**legitimate and contractual purposes**);
- To **deliver joint content and services** with third parties with whom you have a separate relationship (**legitimate and contractual purposes**);
- To **detect, prevent, investigate or remediate crime, illegal or prohibited activities, inclusive of improper conduct**, or to otherwise protect our legal rights, including liaising with regulators and law enforcement agencies for these purposes (**legitimate and lawful purposes**);
- To contact you to see if you would like to take part in our **stakeholder or user research**, for example, feedback on your use of our website, products and services (**legitimate purpose**);
- To **monitor, measure, improve and protect our content**, website and services, and provide an enhanced, personal user experience for you (**legitimate purpose**);
- To compare information for **accuracy** and verify it with third parties (**legitimate purpose**);
- To **manage and administer your use of our website**, products and services (**legitimate, lawful and contractual purposes**);

- To undertake an **internal testing** of our website and services, to test and improve their security, provision and performance (**legitimate, lawful and contractual purposes**);
- To **monitor and carry out statistical analysis and benchmarking**, provided that in such circumstances it is on an aggregated basis that will not be linked back to you or any living individual (**legitimate, lawful and contractual purposes**);
- For **data analytics and benchmarking**, to carry out research and development to improve our company services, products and website (**legitimate, lawful and contractual purposes**); and
- To **develop and provide new and existing functionality and services**, including statistical analysis, benchmarking and forecasting services (**legitimate, lawful and contractual purposes**).

5.2 Our website may contain technology (including cookies) that enables us to:

- Check for specific information, from your device or systems, that is directly relevant to your use of the website against our records, to make sure the website is being used in accordance with our end-user agreements and to troubleshoot any problems (**legitimate, lawful and contractual purposes**);
- Obtain information relating to any technical errors or other issues with our website (**legitimate purpose**);
- Collect information about how you and other users use the functions of the features of our website (**legitimate, lawful and contractual purposes**); and
- Gather statistical information about the operating system and environment from which you access our website, applications or services (**legitimate, lawful and contractual purposes**).

5.3 Where you are not happy with the types of processing detailed under section 5.2 above, then you can opt out of these processing types by managing your cookies and privacy settings within your browser or on our website (where applicable).

5.4 We may monitor and record any communications that we hold from you when using the website, for quality assurance purposes, evidential purposes and to meet our legal and regulatory obligations generally.

6. SHARING YOUR INFORMATION

6.1 We may share your information with:

- Any IRBA employee, accredited professional bodies, local and international regulators and other spheres of the South African government, for the purposes set out in this Notice (e.g. global information and registrants-membership management; software and service compatibility and improvements; or to provide you with any information, applications, products or services that you have requested).
- Our service providers and agents (including their subcontractors) or third parties that process information on our behalf (e.g. affiliates, internet service and platform providers,

payment processing providers and those service providers or organisations that we engage to help us provide you with IRBA services or to send communications to you);

- IRBA service providers, including system implementers, independent software vendors and developers that may help us to provide you with website, products and services information you have requested or which we believe is of interest to you;
- Third parties used to facilitate payment transactions, for example, clearing houses, clearing systems, financial institutions and transaction beneficiaries;
- Third parties, where you have a relationship with that third party and you have consented to us sending information to such party;
- Third parties for marketing purposes (e.g. third parties with whom we work or collaborate and whose products/services we think will interest you in the operation of your business activities);
- Various verification agencies, including credit reference and fraud prevention agencies;
- Regulators, to meet legal and regulatory obligations;
- Law enforcement agencies so that they may detect or prevent crime or prosecute offenders;
- Any third party in the context of actual or threatened legal proceedings, provided we can do so lawfully (for example, in response to a court order);
- Any third party, to meet our legal and regulatory obligations, including statutory or regulatory reporting or the detection or prevention of unlawful acts;
- Our own professional advisors, including attorneys and auditors, for the purpose of seeking professional advice or to meet our audit or legal responsibilities;
- Another organisation, if we procure (or negotiate to procure) any service or assets;
- Another organisation to whom we may transfer our agreement with you; and
- Government departments or entities, where reporting is mandatory under applicable law.

6.2 We may share non-personal identifiable information about the use of our website, products or services publicly or with third parties, but this will not include information that can be used to identify you.

6.3 Where we share or disclose your personal information, as described above, such sharing and/or disclosure will always be subject to an agreement that will be concluded between ourselves and the party to whom we are disclosing your personal information, which contractually obliges the recipient of your personal information to comply with strict confidentiality and data security conditions.

6.4 Where your personal information is transferred to a recipient that is situated outside South Africa, your personal information will only be transferred to those recipients who are in countries that have similar data privacy laws in place; or, in the absence of similar data privacy laws, where the recipient of the personal information concludes an agreement that contractually obliges the recipient to comply with strict confidentiality and data security conditions and which, in particular, will be no lesser set of standards than those imposed by POPIA.

6.5 By using our website, or by interacting with us in the ways described in this Notice, you consent to the transfer of your personal information to other parties in the circumstances set out herein. If you do not want your information to be shared and/or transferred in such a manner, you should not use our website.

7. MARKETING

- 7.1 From time to time, we may use your information to contact you to deliver targeted advertising, promotion or information that you may find useful, based on your use of the website or the IRBA services, in your capacity as our stakeholder or which has been obtained where you have agreed, by providing us with your details, (as requested by us), to such advertising or promotions.
- 7.2 We may wish to contact you for the purpose of advertising and promotions by telephone, post, MMS, WhatsApp, SMS or email.
- 7.3 You have the right, at any time, to stop us/them from contacting you for these advertising and promotion purposes.
- 7.4 You may also request, at any time, that we do not share your information with third parties.
- 7.5 If you wish to exercise these rights, you can do so by selecting and changing your contact preferences at the point where you provide us with your information on our website.
- 7.6 You can also unsubscribe from any email marketing using the required opt-out links provided in the emails we send to you.

8. SOCIAL MEDIA AND OTHER THIRD-PARTY PLATFORMS

- 8.1 When you link onto social media forums, such as those on Facebook, Twitter, Yammer, Pinterest, Instagram, LinkedIn and YouTube, among others, which may have a reference to us, please note that these are not our platforms and the use of these platforms will be subject to the relevant **platform owners' own privacy notices**; and **we take no responsibility for your use of those platforms**.
- 8.2 Where our website may contain links to third-party websites, if you follow these links you will exit our website and the use of these websites will be subject to the relevant platform owners' own privacy notices.
- 8.3 Where you respond to communication we post on third-party platforms, such as Facebook, Google and Twitter, your personal information may be shared with those third party platforms for the purposes of providing you with targeted advertising via the relevant third-party platform, based on your provided profile/interests.
- 8.4 While these third-party websites are selected with care, the IRBA cannot accept liability for the use of your personal information by these organisations. However, you can control what advertisements you receive by using the privacy settings on the relevant third party's platform.

9. PROCESSING OF CHILDREN'S PERSONAL DATA

Any person who accesses our website and is under the age of 18 may only do so with the consent of his/her parent or legal guardian. If we determine upon collection that any person accessing the website is under the age of 18, and has not provided a parent/guardian's consent, we will not use or maintain his/her personal information.

10. LAWFUL REASONS FOR PROCESSING INFORMATION AND THE REQUIREMENTS FOR CONSENT WHERE NO LAWFUL REASON CAN BE SHOWN

10.1 In terms of POPIA, consent to process your personal information is not required where there is a lawful reason for such processing, including where:

- It is necessary to **carry out actions for the conclusion or performance of a contract** to which the owner is a party;
- It is required to comply with an **obligation imposed by law**; or
- It is for a **legitimate purpose** or is **necessary to protect the legitimate interest(s) and/or for pursuing the legitimate interests of (i) the owner of the personal information; (ii) the person processing the personal information; or (iii) that of a third party** to whom the personal information is supplied; or
- It is necessary for the proper performance **of a public law duty** by a public body or on behalf of a public body.

10.2 Where a lawful reason cannot be met or shown for any specific processing detailed under this Notice, then your consent to such processing is required. Following this, where your consent is required for the processing of your personal information, the provision of the required personal information in such instances by you, to us, will be taken as your 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 website and related IRBA products and services.

11. SECURITY AND STORAGE OF INFORMATION

11.1 We will use our best endeavours to keep your personal information secure by taking appropriate technical and organisational measures against any unauthorised or unlawful processing and any accidental loss, destruction or damage.

11.2 While we will use our best endeavours, as indicated above, to protect your personal information, please note that no method of transmission over the internet or electronic storage is 100% secure; and, in light of this, we cannot guarantee the security of your personal information which is transmitted via our website or other websites, applications and services through an internet or similar connection. Therefore, while we strive to use commercially acceptable measures designed to protect personal information, we cannot guarantee its absolute security.

11.3 Where we have given you, or you have chosen, a password to access certain areas of our website, please keep this password safe and do not share it with anyone.

- 11.4 Once your personal information is no longer required, due to the fact that the purpose for which the personal information is held has come to an end, such personal information will be retained in accordance with our Records Retention Schedule, which varies depending on the type of processing, the purpose for such processing, the business function, record classes and record types.
- 11.5 We calculate retention periods – and reserve the right to retain personal information for the periods that the personal information is needed – to:
- (a) Fulfil the purposes described in this Notice;
 - (b) Meet the timelines determined or recommended by regulators, professional bodies or associations;
 - (c) Comply with applicable laws, legal holds and other legal obligations (including contractual obligations); and
 - (d) Comply with your requests.

12. OTHER SITES AND SOCIAL MEDIA

- 12.1 If you follow a link from our website to another site or service, this Notice will no longer apply.
- 12.2 We are not responsible for the information-handling practices of third-party sites or services, and we encourage you to read the privacy notices appearing on those sites or services.
- 12.3 Our website may enable you to share information with social media sites, or use social media sites to create an account or connect your social media account. Those social media sites may automatically provide us with access to certain personal information they have retained about you (for example, any content you have viewed). You should be able to manage your privacy settings from within your own third-party social media account(s) to filter what personal information you enable us to access from that account.

13. WHEN YOU PROVIDE US WITH INFORMATION ABOUT OTHERS

If you provide us with personal information about someone else, you warrant that you have consent to provide us with such third-party information, and indemnify and hold us harmless against any losses or damages in the event that such consent is not in place.

14. YOUR RIGHTS

- 14.1 You, as a Data Subject, have certain rights, which are detailed below.
- **The right of access:** You may ask the IRBA (free of charge) to confirm that we hold your personal information, or ask us to provide you with details (at a fee) on how we have processed your personal information, which request must be done by following the process set out in the IRBA Promotion of Access to Information (PAIA) Manual, which can be accessed through our website.
 - **The right to rectification:** You have the right to ask us to update or rectify any inaccurate personal information of yours that we hold, and this can be done by accessing the update/rectification request.

- **The right to object to and restrict further processing:** Where we do not need your consent to process your personal information, but you are not in agreement with such processing, you may lodge an objection to such processing by accessing the objection request.
- **The right to withdraw consent:** Where you have provided us with consent to process your personal information, you also have the right to subsequently withdraw your consent by accessing the withdrawal of consent request.

14.2 These rights may be exercised by using the relevant forms that are found on the IRBA website at: <https://www.irba.co.za/library/popi-act>.

15. CHANGES TO THIS PRIVACY NOTICE

15.1 As the IRBA changes over time, this Processing Notice is expected to change as well.

15.2 The IRBA reserves the right to amend this processing Notice at any time, for any reason and without notice to you other than the posting of the updated processing Notice on the IRBA website.

15.3 Therefore, we request that you visit our website frequently, to keep abreast of any changes.

16. PROCESSING OTHER PERSONS' PERSONAL INFORMATION

16.1 If you process another's personal information on the IRBA's behalf, or that which we provide to you to perform your contractual/legal obligations or to protect any legitimate interest, you will:

- If you are processing such personal information as our Operator, as defined under POPIA, process all and any such personal information in compliance with the obligations set out under our standard "Operator Agreement" found on our website; or
- Where not acting as an Operator, nonetheless keep such information confidential and secure, as per POPIA; and you will not, unless authorised to do so, process, publish, make accessible or use in any other way such personal information, unless in the course and scope of your duties, and only for the purpose for which the information has been received and granted to you, and related to the duties assigned to you.

17. COMPLIANTS OR QUERIES: CONTACT US

17.1 Any comments, questions or suggestions about this processing Notice or our handling of your personal information should be emailed to the following:

Information Officer

Name: Imre Nagy

Address: Building 2, Greenstone Hill Office Park, Emerald Boulevard, Modderfontein, 1609

Tel: 087 940 8826

Email: POPIA@irba.co.za

Deputy Information Officer

Name: Rebecca Motsepe

Address: Building 2, Greenstone Hill Office Park, Emerald Boulevard, Modderfontein, 1609

Tel: 087 940 8803

Email: POPIA@irba.co.za

- 17.2 Should you wish to discuss a complaint, please feel free to contact us using the details provided above. All complaints will be treated in a confidential manner.
- 17.3 Our business hours are 8h30am-4h30pm GMT, Monday to Friday, except on public holidays.
- 17.4 Should you be 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 that can be contacted at <https://www.justice.gov.za/inforeg/>.

18. ACCEPTANCE AND BINDING NATURE OF THIS DOCUMENT

- 18.1 By visiting our website and, where applicable, by providing us with your personal information:
- You acknowledge that you understand why your personal information needs to be processed;
 - You accept the terms that will apply to such processing, including the terms applicable to the cross-border transfer of such personal information; and
 - Where consent is required for any processing, as reflected in this processing Notice, you agree that we may process this particular personal information.
- 18.2 Where you provide us with another person's personal information for processing, you confirm that you have obtained the required permission from such person(s) to provide us with their personal information for processing.
- 18.3 The rights and obligations of the parties under this processing Notice will be binding on, and will be of benefit to, each of the party's successors in title and/or assigned, where applicable.
- 18.4 Should any of the personal information concern or pertain to a legal entity that you represent, you confirm that you have the necessary authority to act on behalf of such legal entity and that you have the right to provide the personal information and/or the required permissions in respect of the processing of that organisation or entity's personal information.