

PROTECTION OF PERSONAL INFORMATION ACT 2013

PRIVACY NOTICE

1. INTRODUCTION AND PURPOSE OF THIS NOTICE

In order to comply with data privacy laws, a person processing another's Personal Information must:

- 1.1 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 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;
 - is required in order to comply with an **obligation imposed by law**;
 - 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
 - is necessary for the proper performance of a **public law duty** by a public body or on behalf of a public body.
 - 1.3 Where any person uses our websites, electronic applications, email or electronic services, we will have to process such person's Personal Information.
 - 1.4 In accordance with the data privacy laws, and because your privacy is important to us, please take note of this Privacy 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.
 - 1.5 This Privacy 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.
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2. WHO WE ARE

We are Mitigate Security Services (Pty) Ltd known as “Mitigate”

We provide Information Security services. With a core focus on Security Operations Centre (SOC) services.

3. APPLICATION OF THE PRIVACY NOTICE

This NOTICE explains how we collect, use, share and protect your personal information which is received by Mitigate via all channels and it also applies to all users of our website, electronic applications, or electronic services, (hereinafter collectively referred to as “**Services**”).

4. WHAT PERSONAL INFORMATION DO WE COLLECT AND PROCESS?

When you use our services we will collect, without detracting from the generality thereof, the following Personal Information which belongs to you:

- your name, including business name where applicable;
 - contact details including address, email address and telephone or cellular phone number;
 - identity number or business registration number;
 - name of employer, insurer or medical aid provider and related contact details;
 - membership numbers;
 - account log on details, including password or identifiers and security questions, which may have been allocated to you;
 - medical history;
 - dietary history;
 - various types of preferences;
 - device identification number and type;
 - location information;
 - device and browser information, such as network and connection information (including Internet Service Provider (ISP) and Internet Protocol (IP) addresses), device and browser identifiers and information (including device, application, or browser type, version, plug-in type and version, operating system, user agent, language and 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
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information, API calls, and other logs), content interactions (including searches, views, downloads, prints, shares, streams, and display or playback details), and user journey history (including clickstreams and 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 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, marriage status, gender, physical characteristics, personal or household/familial financial status and metrics,
- credit history;
- membership history;
- vehicle details where access to our facilities is required;
- serial number of assets and/or devices where access to our facilities or websites is required;
- your children or next of kin details, with your consent being required where you provide us with Personal Information belonging to your dependants or children;
- billing and account related details for billing and payment purposes, including credit card details, debit card details, expiration dates, and shipping and billing address;
- 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 in social media and online profiles, online posts, and similar data.

5. HOW WE COLLECT INFORMATION

5.1 We collect the Personal Information detailed above under clause 4, about you and any other party whose details you provide to us, when you use and access our services including any access our services for the following purposes:

- for whatever reason, generally or specifically;
 - in order to register to use the websites, (including free trials);
 - to make enquiries about Mitigate or the Mitigate services, its affiliates, service providers or business partners, via our websites;
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- to use the Mitigate services, especially any eServices, which are available or accessible via our websites and to send you confirmation of the request/or order;
- for legitimate business purposes, including to place an order for or request the Mitigate services, especially any services using our websites;
- to complete online forms, including call back requests;
- to take part in surveys, to post content on our message boards, or to post any blogs;
- to enter any competitions or prize draws;
- to register to attend one of our events;
- to look for, locate, read and/or download information or publications;
- to request or sign up for marketing material;
- for the performance of contractual terms, or for the enforcement of contractual rights;
- to provide you with details of our terms, conditions, policies and procedures and to enforce and apply same;
- to participate in any interactive areas that appear on our websites;
- to interact with us, our affiliates, service providers, business partners or others; and
- to provide us with your contact details or when you update those details;
- to send us an email;
- to click on a link in an email or advertisement or communication received from us.

5.2 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.

5.3 We also collect your Personal Information from your own devices including mobile devices and or the devices which you use in order to access our websites, which is collected using cookies or similar technologies.

5.4 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 (e.g. for due diligence purposes), but in each case as permitted by applicable laws.

6. DETAILS DESCRIBING THE PURPOSE FOR THE COLLECTION AND USE OF YOUR INFORMATION, AND HOW WE USE IT

6.1 The Personal Information detailed under clause 4 above, which you provide to us is used for the following purposes:

- for legitimate business purposes;
 - to provide any information to you that you have requested - legitimate purpose;
 - to provide you with any Mitigate services that you have enquired about and/or requested - legitimate and contractual purpose;
 - for the performance of contractual terms, or for the enforcement of contractual rights - legitimate and contractual purpose;
 - to provide you with details of our terms, conditions, policies and procedures and to enforce and apply same - legitimate and contractual purpose;
 - to provide, maintain, protect and improve our Websites, MITIGATE services and products - legitimate purpose;
 - to manage and administer the MITIGATE services you have asked us to provide you with - legitimate and contractual purpose;
 - to manage our relationship with you (for example, customer services and support activities) - legitimate and contractual purpose;
 - to provide you with any information that we are required to send to you in order to comply with our contractual, service, regulatory or legal obligations – legitimate, lawful and contractual purpose;
 - to deliver targeted advertising, marketing (including in-product messaging) or information to you which may be useful to you, based on your use of the website or the MITIGATE services, in your capacity as our customer or which has been obtained in the context of a sale - legitimate and contractual purpose;
 - to deliver joint content and services with third parties with whom you have a separate relationship - legitimate and contractual purpose;
 - to provide you with location-based services (for example, advertising and other personalised content), where we collect geo-location data - legitimate and contractual purpose;
 - to detect, prevent, investigate or remediate, crime, illegal or prohibited activities or to otherwise protect our legal rights (including liaison with regulators and law enforcement agencies for these purposes) - legitimate and lawful purpose;
 - to contact you to see if you would like to take part in our customer research (for example, feedback on your use of our websites, products and services) - legitimate purpose;
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- to monitor, measure, improve and protect our content, websites, services and provide an enhanced, personal, user experience for you - legitimate purpose;
- to compare information for accuracy and to verify it with third parties - legitimate purpose;
- manage and administer your use of our websites, products and services - legitimate, lawful and contractual purpose;
- undertake internal testing of our websites and services to test and improve their security, provision and performance, in which case, we would pseudonymise any information used for such purposes, and ensure it is only displayed at aggregated levels which will not be linked back to you or any living individual - legitimate, lawful and contractual purpose;
- to monitor, carry out statistical analysis and benchmarking, provided that in such circumstances it is on an aggregated basis which will not be linked back to you or any living individual - legitimate, lawful and contractual purpose;
- data analytics and benchmarking, in order to carry out research and development to improve our MITIGATE services, products and websites; and
- to develop and provide new and existing functionality and services (including statistical analysis, benchmarking and forecasting services).

6.2 Our websites may contain technology (including Cookies) that enables us to:

- check specific information from your device or systems directly relevant to your use of the websites against our records to make sure the websites are being used in accordance with our end-user agreements and to troubleshoot any problems - consent required;
- obtain information relating to any technical errors or other issues with our websites;
- collect information about how you and users use the functions of the features of our websites - consent required; and
- gather statistical information about the operating system and environment from which you access our websites, applications or services.

6.3 Where you are not prepared to consent to the types of processing, detailed under section 6.2 above, then you can opt out of this type of processing by managing your cookies and privacy settings within your browser or on our websites (where applicable).

6.4 We may monitor and record any communications which we hold with you when using the websites, for quality assurance purposes, for evidential purposes and in order to meet our legal and regulatory obligations generally.

7. SHARING YOUR INFORMATION

7.1 We may share your information with:

- any MITIGATE employee, subsidiary or related company for the purposes set out in this Privacy Notice, (e.g. global information and customer relationship 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 sub-contractors) or third parties which process information on our behalf (e.g. affiliates, medical service providers, internet service and platform providers, payment processing providers and those service providers or organisations who we engage to help us provide you with the MITIGATE services or to send communications to you);
 - partners, including system implementers, resellers, value-added resellers, independent software vendors and developers that may help us to provide you with the websites, products, services and 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. our partners and other third parties with whom we work and whose products or services we think will interest you in the operation of your business activities);
 - various verification agencies, including credit reference and fraud prevention agencies;
 - Regulators, in order 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 in order 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 sell or buy (or negotiate to sell or buy) any business or assets;
 - another organisation to whom we may transfer our agreement with you; and
 - Government departments where reporting is mandatory under applicable law.
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- 7.2 We may share non-personally identifiable information about the use of our websites, products or services publicly or with third parties but this will not include information that can be used to identify you.
- 7.3 Where we share or disclose your Personal Information as described above, such sharing and or disclosure will always be subject to an agreement which will be concluded as between ourselves and the party to whom we are disclosing your Personal Information to, which contractually obliges the recipient of your Personal Information to comply with strict confidentiality and data security conditions.
- 7.4 Where your Personal Information is transferred to a recipient in a country which is situated outside South Africa, your Personal Information will only be transferred to those recipients who are stated in countries which 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 which contractually obliges the recipient to comply with strict confidentiality and data security conditions and which in particular will be to a no lesser set of standards than those imposed by POPIA.
- 7.5 By using our websites, or by interacting with us in the ways described in this Privacy Notice, you consent to the transfer of your Personal Information to other parties in the circumstances set out in this Privacy Notice. If you do not want your information to be shared and/or transferred in such manner you should not use our website.

8. MARKETING

- 8.1 From time to time, we may use your information to contact you to deliver targeted advertising, marketing (including in-product messaging) or information to you which may be useful to you, based on your use of the website or the MITIGATE services, in your capacity as our customer or which has been obtained in the context of a sale and where you have agreed, by providing us with your details, as requested by us, to such advertising and marketing purposes - legitimate and contractual purpose. We may also share your information with our affiliates and subsidiary companies and carefully selected third parties so that they (or we) may contact you with information about their products or services which we feel may be of interest to you where you have agreed, by providing us with your details, as requested by us, to such advertising and marketing purposes.
- 8.2 We or they may wish to contact you for this purpose by telephone, post, SMS or email.
- 8.3 You have the right at any time to stop us / them from contacting you for these marketing purposes.
- 8.4 You may also request at any time that we do not share your information with third parties.
- 8.5 If you wish to exercise these rights you can do so by selecting your contact preferences at the point where you provide us with your information on our websites or by sending us an email to popia.requests@mitigate.co.za
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- 8.6 You can also unsubscribe from any email marketing using the links provided in the emails we send to you.

9. SOCIAL MEDIA, AND OTHER THIRD-PARTY PLATFORMS

- 9.1 When you link onto social media forums like Facebook, Twitter, Yammer, Pinterest, Instagram, LinkedIn, YouTube, 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.
- 9.2 Where our websites may contain links to third-party websites; if you follow these links, you will exit our websites and the use of these websites will be subject to the relevant platform owners' own privacy notices. Where you respond to communications we post on third-party platforms such as Facebook, Google and Twitter, such 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. While these third-party websites are selected with care, MITIGATE cannot accept liability for the use of your Personal Data by these organisations. You can however control what advertisements you receive using the privacy settings housed on the relevant third party's platform.

10. HOW DO WE PROCESS CHILDREN'S PERSONAL DATA?

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

11. LAWFUL REASONS FOR PROCESSING AND THE REQUIREMENT FOR CONSENT WHERE NO LAWFUL REASON CAN BE SHOWN

- 11.1 In terms of the data protection laws, 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 in order 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.
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11.2 Where a lawful reason cannot be met or shown for any specific processing detailed under this Privacy 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 websites and related MITIGATE Services.

12. SECURITY AND STORAGE OF INFORMATION

12.1 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 against any accidental loss, destruction or damage.

12.2 Whilst 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 method of electronic storage is 100% secure and that in light of this we cannot guarantee the security of your Personal Information which is transmitted via websites, or to other websites, applications and services via 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.

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

12.4 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 MITIGATE Records Retention Schedule, which varies depending on the type of processing, the purpose for such processing, the business function, record classes, and record types. We calculate retention periods based upon 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 Privacy 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.

13. OTHER SITES AND SOCIAL MEDIA

13.1 If you follow a link from our websites to another site or service, this Privacy Notice will no longer apply. 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.

13.2 Our websites may enable you to share information with social media sites, or use social media sites to create your account or to connect your social media account. Those social media sites may automatically provide us with access to certain Personal Information retained by them 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 manage what Personal Information you enable us to access from that account.

14. WHEN YOU PROVIDE US WITH INFORMATION ABOUT OTHERS

If you provide us with Personal Information about someone else, you are responsible for ensuring that you comply with any obligation and consent obligations under applicable data protection laws in relation to such disclosure. In so far as required by applicable data protection laws, you must ensure that you have provided the required notices and have obtained the individual's consent to provide us with this/her/its Personal Information and that you explain to them how we collect, use, disclose and retain their Personal Information or direct them to read the Privacy Notice.

15. YOUR INFORMATION AND YOUR RIGHTS

15.1 In terms of the data protection laws, you have the following rights:

- **The right of access** - You may ask us free of charge to confirm that we hold your Personal Information, or ask us to provide you with details, at a fee, how we have processed your Personal Information, which can be done by following the process set out under our PAIA Manual which can be accessed via our website at www.mitigate.co.za
 - **The right to rectification** - you have the right to ask us to update or rectify any inaccurate Personal Information, which can be done by sending an e-mail to popia.requests@mitigate.co.za
 - **The right to erasure (the 'right to be forgotten')** - where any overriding legal basis or legitimate reason to process your Personal Information no longer exists, and the legal retention period has expired, you may request that we delete the Personal Information, which can be done by sending an e-mail to popia.requests@mitigate.co.za
 - **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 object to us processing such Personal Information which can be done by sending an e-mail to popia.requests@mitigate.co.za
 - **The right to withdraw consent** - where you have provided us with consent to process your Personal Information, you have the right to subsequently withdraw your consent, which can be done by sending an e-mail to popia.requests@mitigate.co.za
 - **The right to data portability** - where you want your Personal Information to be transferred to another party, which can be done by sending an e-mail to popia.requests@mitigate.co.za
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16. CHANGES TO THIS PRIVACY STATEMENT

- 16.1 As we change and evolve over time, this Privacy Notice is expected to change as well. We reserve the right to amend the Privacy Notice at any time, for any reason, and without notice to you other than the posting of the updated Privacy Notice on the websites and in this regard encourage you to visit our websites frequently in order to keep abreast with any changes.
- 16.2 The contents of this Privacy Notice shall be governed by the laws of the Republic of South Africa.
- 16.3 If any provision of this Privacy Notice is judged to be illegal, void or unenforceable due to applicable law or by order of a court of competent jurisdiction it shall be deemed deleted and the continuation in full force and effect of the remainder of the provisions will not be prejudiced.

17. CONTACT US

Any comments, questions or suggestions about this Privacy Notice or our handling of your Personal Information should be emailed to popia.requests@mitigate.co.za Alternatively, you can contact us at the following postal address or telephone numbers:

Information Officer: Greg Fagan

Phone: +27 900 0717

Email: popia.requests@mitigate.co.za

Our telephone switchboard is available from 08:00 to 17:00 Monday to Friday. Our switchboard team will take a message and ensure the appropriate person responds as soon as possible.

18. COMPLAINTS

- 18.1 Should you wish to discuss a complaint, please feel free to contact us using the details provided above.
- 18.2 All complaints will be treated in a confidential manner.
- 18.3 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/infoereg/>.

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