

Thuto.io Privacy Policy

Privacy Policy

Our Privacy Policy was last updated on 15/02/2022.

This Privacy Policy describes Our policies and procedures on the collection, use and disclosure of Your information when You use the Service and tells You about Your privacy rights and how the law protects You.

We use Your Personal data to provide and improve the Service. By using the Service, You agree to the collection and use of information in accordance with this Privacy Policy. This Privacy Policy was generated by TermsFeed Privacy Policy Generator.

Interpretation and Definitions

Interpretation

The words of which the initial letter is capitalised have meanings defined under the following conditions. The following definitions shall have the same meaning regardless of whether they appear in singular or in plural.

Definitions

For the purposes of this Privacy Policy:

- **"Account"** means a unique account created for You to access our Service or parts of our Service.
- **"Business"**, for the purpose of the POPIA (Protection of Personal Information Act), refers to the Company as the legal entity that collects Consumers' personal information and determines the purposes and means of the processing of Consumers' personal information, or on behalf of which such information is collected and that alone, or jointly with others, determines the purposes and means of the processing of consumers' personal information, that does business in the Republic of South Africa/
- **"Company"** (referred to as either "the Company", "We", "Us" or "Our" in this Agreement) refers to **Thuto Ke Lesedi (Pty) Ltd**

For the purpose of the GDPR, the Company is the Data Controller.

- **"Country"** refers to the Republic of South Africa.
- **"Consumer"**, for the purpose of the POPIA (Protection of Private Information Act), means a natural person who is a South African resident. A resident, as defined in the law, includes (1) every individual who is in RSA for other than a temporary or transitory purpose, and (2) every individual who is domiciled in the RSA who is outside the RSA for a temporary or transitory purpose.
- **"Cookies"** are small files that are placed on Your computer, mobile device or any other device by a website, containing the details of Your browsing history on that website among its many uses.
- **"Data Controller"**, for the purposes of the GDPR (General Data Protection Regulation), refers to the Company as the legal person which alone or jointly with others determines the purposes and means of the processing of Personal Data.
- **"Device"** means any device that can access the Service such as a computer, a cell phone or a digital tablet.
- **"Personal Data"** is any information that relates to an identified or identifiable individual.

For the purposes of GDPR, Personal Data means any information relating to You such as a name, an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity.

For the purposes of the POPIA, Personal Data means any information that identifies, relates to, describes or is capable of being associated with, or could reasonably be linked, directly or indirectly, with You.

- **"Sale"**, for the purpose of the POPIA (Protection of Private Information Act), means selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a Consumer's personal information to another business or a third party for monetary or other valuable consideration.
- **"Service"** refers to the Website.
- **"Service Provider"** means any natural or legal person who processes the data on behalf of the Company. It refers to third-party companies or individuals employed by the Company to facilitate the Service, to provide the Service on behalf of the Company, to perform services related to the Service or to assist the Company in analysing how the Service is used. For the purpose of the GDPR, Service Providers are considered Data Processors.

- **"Usage Data"** refers to data collected automatically, either generated by the use of the Service or from the Service infrastructure itself (for example, the duration of a page visit).
- **"Website"** refers to [thuto](#), accessible from [www.thuto.io](#)
- **"You"** means the individual accessing or using the Service, or the company, or other legal entity on behalf of which such individual is accessing or using the Service, as applicable.

Under GDPR (General Data Protection Regulation), You can be referred to as the Data Subject or as the User as you are the individual using the Service.

Collecting and Using Your Personal Data

Types of Data Collected

Personal Data

While using Our Service, We may ask You to provide Us with certain personally identifiable information that can be used to contact or identify You. Personally identifiable information may include, but is not limited to:

- Email address
- First name and last name
- Phone number
- Address, State, Province, ZIP/Postal code, City
- Usage Data

Usage Data

Usage Data is collected automatically when using the Service.

Usage Data may include information such as Your Device's Internet Protocol address (e.g. IP address), browser type, browser version, the pages of our Service that You visit, the time and date of Your visit, the time spent on those pages, unique device identifiers and other diagnostic data.

When You access the Service by or through a mobile device, We may collect certain information automatically, including, but not limited to, the type of mobile device You use, Your mobile device unique ID, the IP address of Your mobile device, Your mobile operating system, the type of mobile Internet browser You use, unique device identifiers and other diagnostic data.

We may also collect information that Your browser sends whenever You visit our Service or when You access the Service by or through a mobile device.

Tracking Technologies and Cookies

We use Cookies and similar tracking technologies to track the activity on Our Service and store certain information. Tracking technologies used are beacons, tags, and scripts to collect and track information and to improve and analyse Our Service. The technologies We use may include:

- **Cookies or Browser Cookies.** A cookie is a small file placed on Your Device. You can instruct Your browser to refuse all Cookies or to indicate when a Cookie is being sent. However, if You do not accept Cookies, You may not be able to use some parts of our Service. Unless you have adjusted Your browser setting so that it will refuse Cookies, our Service may use Cookies.
- **Web Beacons.** Certain sections of our Service and our emails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) that permit the Company, for example, to count users who have visited those pages or opened an email and for other related website statistics (for example, recording the popularity of a certain section and verifying system and server integrity).

Cookies can be "Persistent" or "Session" Cookies. Persistent Cookies remain on Your personal computer or mobile device when You go offline, while Session Cookies are deleted as soon as You close Your web browser.

We use both Session and Persistent Cookies for the purposes set out below:

- **Necessary / Essential Cookies**

Type: Session Cookies

Administered by: Us

Purpose: These Cookies are essential to provide You with services available through the Website and to enable You to use some of its features. They help to authenticate users and prevent fraudulent use of user accounts. Without these Cookies, the services that You have asked for cannot be provided, and We only use these Cookies to provide You with those services.

- **Cookies Policy / Notice Acceptance Cookies**

Type: Persistent Cookies

Administered by: Us

Purpose: These Cookies identify if users have accepted the use of cookies on the Website.

- **Functionality Cookies**

Type: Persistent Cookies

Administered by: Us

Purpose: These Cookies allow us to remember choices You make when You use the Website, such as remembering your login details or language preference. The purpose of these Cookies is to provide You with a more personal experience and to avoid You having to re-enter your preferences every time You use the Website.

- **Tracking and Performance Cookies**

Type: Persistent Cookies

Administered by: Third-Parties

Purpose: These Cookies are used to track information about traffic to the Website and how users use the Website. The information gathered via these Cookies may directly or indirectly identify you as an individual visitor. This is because the information collected is typically linked to a pseudonymous identifier associated with the device you use to access the Website. We may also use these Cookies to test new pages, features or new functionality of the Website to see how our users react to them.

For more information about the cookies we use and your choices regarding cookies, please visit our Cookies Policy or the Cookies section of our Privacy Policy.

Use of Your Personal Data

The Company may use Personal Data for the following purposes:

- **To provide and maintain our Service**, including to monitor the usage of our Service.
- **To manage Your Account:** to manage Your registration as a user of the Service. The Personal Data You provide can give You access to different functionalities of the Service that are available to You as a registered user.
- **For the performance of a contract:** the development, compliance and undertaking of the purchase contract for the products, items or services You have purchased or of any other contract with Us through the Service.
- **To contact You:** To contact You by email, telephone calls, SMS, or other equivalent forms of electronic communication, such as a mobile application's push notifications regarding updates or informative communications related to the functionalities,

products or contracted services, including the security updates, when necessary or reasonable for their implementation.

- **To provide You with news**, special offers and general information about other goods, services and events which we offer that are similar to those that you have already purchased or enquired about unless You have opted not to receive such information.
- **To manage Your requests**: To attend and manage Your requests to Us.
- **For business transfers**: We may use Your information to evaluate or conduct a merger, divestiture, restructuring, reorganisation, dissolution, or other sale or transfer of some or all of Our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which Personal Data held by Us about our Service users is among the assets transferred.
- **For other purposes**: We may use Your information for other purposes, such as data analysis, identifying usage trends, determining the effectiveness of our promotional campaigns and to evaluate and improve our Service, products, services, marketing and your experience.

We may share Your personal information in the following situations:

- **With Service Providers**: We may share Your personal information with Service Providers to monitor and analyse the use of our Service, for payment processing, to contact You.
- **For business transfers**: We may share or transfer Your personal information in connection with, or during negotiations of, any merger, sale of Company assets, financing, or acquisition of all or a portion of Our business to another company.
- **With Affiliates**: We may share Your information with Our affiliates, in which case we will require those affiliates to honour this Privacy Policy. Affiliates include Our parent company and any other subsidiaries, joint venture partners or other companies that We control or that are under common control with Us.
- **With business partners**: We may share Your information with Our business partners to offer You certain products, services or promotions.
- **With other users**: when You share personal information or otherwise interact in the public areas with other users, such information may be viewed by all users and may be publicly distributed outside.
- **With Your consent**: We may disclose Your personal information for any other purpose with Your consent.

Retention of Your Personal Data

The Company will retain Your Personal Data only for as long as is necessary for the purposes set out in this Privacy Policy. We will retain and use Your Personal Data to the extent necessary to comply with our legal obligations (for example, if we are required to retain your data to comply with applicable laws), resolve disputes, and enforce our legal agreements and policies.

The Company will also retain Usage Data for internal analysis purposes. Usage Data is generally retained for a shorter period of time, except when this data is used to strengthen

the security or to improve the functionality of Our Service, or We are legally obligated to retain this data for longer time periods.

Transfer of Your Personal Data

Your information, including Personal Data, is processed at the Company's operating offices and in any other places where the parties involved in the processing are located. It means that this information may be transferred to — and maintained on — computers located outside of Your state, province, country or other governmental jurisdiction where the data protection laws may differ from those from Your jurisdiction.

Your consent to this Privacy Policy followed by Your submission of such information represents Your agreement to that transfer.

The Company will take all steps reasonably necessary to ensure that Your data is treated securely and in accordance with this Privacy Policy and no transfer of Your Personal Data will take place to an organisation or a country unless there are adequate controls in place including the security of Your data and other personal information.

Disclosure of Your Personal Data

Business Transactions

If the Company is involved in a merger, acquisition or asset sale, Your Personal Data may be transferred. We will provide notice before Your Personal Data is transferred and becomes subject to a different Privacy Policy.

Law enforcement

Under certain circumstances, the Company may be required to disclose Your Personal Data if required to do so by law or in response to valid requests by public authorities (e.g. a court or a government agency).

Other legal requirements

The Company may disclose Your Personal Data in the good faith belief that such action is necessary to:

- Comply with a legal obligation
- Protect and defend the rights or property of the Company
- Prevent or investigate possible wrongdoing in connection with the Service
- Protect the personal safety of Users of the Service or the public
- Protect against legal liability

Security of Your Personal Data

The security of Your Personal Data is important to Us, but remember that no method of transmission over the Internet, or method of electronic storage is 100% secure. While We strive to use commercially acceptable means to protect Your Personal Data, We cannot guarantee its absolute security.

Detailed Information on the Processing of Your Personal Data

The Service Providers We use may have access to Your Personal Data. These third-party vendors collect, store, use, process and transfer information about Your activity on Our Service in accordance with their Privacy Policies.

Analytics

We may use third-party Service providers to monitor and analyse the use of our Service.

- 1.

Email Marketing

We may use Your Personal Data to contact You with newsletters, marketing or promotional materials and other information that may be of interest to You. You may opt-out of receiving any, or all, of these communications from Us by following the unsubscribe link or instructions provided in any email We send or by contacting Us.

- 2.

Payments

We may provide paid products and/or services within the Service. In that case, we may use third-party services for payment processing (e.g. payment processors).

We will not store or collect Your payment card details. That information is provided directly to Our third-party payment processors whose use of Your personal information is governed by their Privacy Policy. These payment processors adhere to the standards set by PCI-DSS as managed by the PCI Security Standards Council, which is a joint effort of brands like Visa, Mastercard, American Express and Discover. PCI-DSS requirements help ensure the secure handling of payment information.

GDPR Privacy Policy

Legal Basis for Processing Personal Data under GDPR

We may process Personal Data under the following conditions:

- **Consent:** You have given Your consent for processing Personal Data for one or more specific purposes.
- **Performance of a contract:** Provision of Personal Data is necessary for the performance of an agreement with You and/or for any pre-contractual obligations thereof.
- **Legal obligations:** Processing Personal Data is necessary for compliance with a legal obligation to which the Company is subject.
- **Vital interests:** Processing Personal Data is necessary in order to protect Your vital interests or of another natural person.
- **Public interests:** Processing Personal Data is related to a task that is carried out in the public interest or in the exercise of official authority vested in the Company.
- **Legitimate interests:** Processing Personal Data is necessary for the purposes of the legitimate interests pursued by the Company.

In any case, the Company will gladly help to clarify the specific legal basis that applies to the processing, and in particular whether the provision of Personal Data is a statutory or contractual requirement, or a requirement necessary to enter into a contract.

Your Rights under the GDPR

The Company undertakes to respect the confidentiality of Your Personal Data and to guarantee You can exercise Your rights.

You have the right under this Privacy Policy, and by law if You are within the EU, to:

- **Request access to Your Personal Data.** The right to access, update or delete the information We have on You. Whenever made possible, you can access, update or request deletion of Your Personal Data directly within Your account settings section. If you are unable to perform these actions yourself, please contact Us to assist You. This also enables You to receive a copy of the Personal Data We hold about You.
- **Request correction of the Personal Data that We hold about You.** You have the right to have any incomplete or inaccurate information We hold about You corrected.
- **Object to processing of Your Personal Data.** This right exists where We are relying on a legitimate interest as the legal basis for Our processing and there is something about Your particular situation, which makes You want to object to our processing of Your Personal Data on this ground. You also have the right to object where We are processing Your Personal Data for direct marketing purposes.
- **Request erasure of Your Personal Data.** You have the right to ask Us to delete or remove Personal Data when there is no good reason for Us to continue processing it.

- **Request the transfer of Your Personal Data.** We will provide to You, or to a third-party You have chosen, Your Personal Data in a structured, commonly used, machine-readable format. Please note that this right only applies to automated information which You initially provided consent for Us to use or where We used the information to perform a contract with You.
- **Withdraw Your consent.** You have the right to withdraw Your consent on using your Personal Data. If You withdraw Your consent, We may not be able to provide You with access to certain specific functionalities of the Service.

Exercising of Your GDPR Data Protection Rights

You may exercise Your rights of access, rectification, cancellation and opposition by contacting Us. Please note that we may ask You to verify Your identity before responding to such requests. If You make a request, We will try our best to respond to You as soon as possible.

You have the right to complain to a Data Protection Authority about Our collection and use of Your Personal Data. For more information, if You are in the European Economic Area (EEA), please contact Your local data protection authority in the EEA.

POPIA Privacy Policy

PRIVACY NOTICE AND INFORMED CONSENT NOTICE

CONSENT TO PROCESS PERSONAL INFORMATION IN TERMS OF THE PROTECTION OF INFORMATION ACT, 4 OF 2013 (POPIA)

(EMAIL, WEBSITE AND SOCIAL MEDIA PRIVACY NOTICE)

The Protection of Personal Information Act, 4 of 2013 (POPIA) gives effect to the constitutional right to data privacy in terms of Section 14 of the Bill of Rights of the Constitution.

The responsible use of the Thuto'S website and related resources in respect of data privacy is important to Thuto'S.

Whilst Thuto'S is committed to protecting all person's rights to privacy and who in consequence will ensure that all person's Personal Information is used appropriately, transparently and according to applicable law, the Thuto'S has to ensure that these rights to privacy are balanced with other rights such as the right to use and have access to the Thuto'S Information and Services including its online and social media platforms and applications.

This Policy sets out the responsibilities and obligations of all persons who make use of, or access or receive Thuto'S Information and Communications via its electronic communication facilities and resources including its website, email and social media

platforms and how all users of these facilities and resources are to ensure that when using these resources that they respect and process another's Personal Information lawfully and in accordance with the provisions of POPIA and the 8 Personal Information Processing Principles.

PLEASE READ THE DOCUMENT BEFORE YOU MAKE USE OF THE Thuto'S ELECTRONIC FACILITIES OR PROVIDE Thuto'S WITH ANY PERSONAL INFORMATION. BY PROVIDING Thuto'S WITH YOUR PERSONAL INFORMATION, YOU CONSENT TO THE Thuto'S PROCESSING YOUR PERSONAL INFORMATION, WHICH Thuto'S UNDERTAKES TO PROCESS STRICTLY IN ACCORDANCE WITH THIS PRIVACY POLICY.

1. DEFINITIONS

In this Policy (as defined below), unless the context requires otherwise, the following words and expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings–

1.1 "**Child**" means any natural person under the age of 18 (eighteen) years;

1.2 "**Data Breach**" means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Information under the control of or in the possession of Thuto;

1.3 "**Data Subject**" has the meaning ascribed thereto under POPIA;

1.4 "**Direct Marketing**" means to approach a person, by electronic communication, for the purpose of promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject;

1.5 "**Direct Marketer**" means a supplier who employs Direct Marketing as an advertising mechanism;

1.6 "**Employees**" means any employee of Thuto;

1.7 "Government" means the Government of the Republic of South Africa;

1.8 "**Thuto**" means the Thuto Education Online (Proprietary) Limited, registration number 2017/650754/07, with its registered address at 7 Carnoustie, Jackal Creek Golf Estate, Northriding, Johannesburg;

1.9 "**Operator**" means a person or entity who Processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that Responsible Party;

1.10 "**PAIA**" means the Promotion of Access to Information Act, No 2 of 2000;

1.11 **"Personal Information"** has the meaning ascribed thereto under POPIA and specifically includes any form of information that can be used to identify a Data Subject;

1.12 **"Policy"** means this Privacy Policy;

1.13 **"POPIA"** means the Protection of Personal Information Act No. 4 of 2013;

1.14 **"Processing"** has the meaning ascribed thereto under POPIA. "Process" has a corresponding meaning;

1.15 **"Regulator"** means the Information Regulator established in terms of POPIA;

1.16 **"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;

1.17 **"Special Personal Information"** means Personal Information concerning a Data Subject's religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sexual life, biometric information or criminal behaviour; and

1.18 **"Third Party"** means any independent contractor, agent, consultant, sub-contractor or other representative of Thuto.

2. PURPOSE OF THIS POLICY

2.1 The purpose of this Policy is to inform Data Subjects about how Thuto Processes their Personal Information.

2.2 Thuto, in its capacity as Responsible Party (and/or Operator, where applicable), shall strive to observe, and comply with its obligations under POPIA as well as accepted information protection principles, practices and guidelines when it Processes Personal Information from or in respect of a Data Subject.

2.3 This Policy applies to Personal Information collected by Thuto in connection with the products and services which Thuto provides. This includes information collected directly from you as a Data Subject, as well as information we collect indirectly through our service providers who collect your information on our behalf.

2.4 This Privacy Policy does not apply to the information practices of Third Party companies who we may engage with in relation to our business operations (including, without limitation, their websites, platforms and/or applications) which we do not own or control; or individuals that Thuto does not manage or employ. These Third Party sites may have their own privacy policies and terms and conditions and we encourage you to read them before using them.

3. PROCESS OF COLLECTING PERSONAL INFORMATION

3.1 Thuto collects Personal Information directly from Data Subjects as and when required for a defined purpose, unless an exception is applicable (such as, for example, where the Data

Subject has made the Personal Information public or the Personal Information is contained in or derived from a public record).

3.2 Thuto will always collect Personal Information in a fair, lawful and reasonable manner to ensure that it protects the Data Subject's privacy and will Process the Personal Information based on legitimate grounds in a manner that does not adversely affect the Data Subject in question.

3.3 Thuto often collects Personal Information directly from the Data Subject and/or in some cases, from Third Parties. Where Thuto obtains Personal Information from Third Parties, Thuto will ensure that it obtains the consent of the Data Subject to do so or will only Process the Personal Information without the Data Subject's consent where Thuto is permitted to do so in terms of clause 3.1 above or the applicable law.

3.4 An example of such Third Parties includes: (i) recruitment agencies; (ii) other companies providing services to Thuto; and (iii) where Thuto makes use of publicly available sources of information (e.g. the Companies and Intellectual Property Commission, an agency of the Department of Trade and Industry in South Africa (CIPC)).

4. LAWFUL PROCESSING OF PERSONAL INFORMATION

4.1 Where Thuto is the Responsible Party, it will only Process a Data Subject's Personal Information (other than for Special Personal Information) where –

4.1.1 consent of the Data Subject (or a competent person, where the Data Subject is a Child) is obtained;

4.1.2 Processing is necessary to carry out the actions for conclusion of a contract to which a Data Subject is party;

4.1.3 Processing complies with an obligation imposed by law on Thuto;

4.1.4 Processing protects a legitimate interest of the Data Subject; and/or

4.1.5 Processing is necessary for pursuing the legitimate interests of Thuto or of a third party to whom the information is supplied.

4.2 Thuto will only Process Personal Information where one of the legal bases referred to in paragraph 4.1 above are present.

4.3 Thuto will make the manner and reason for which the Personal Information will be Processed clear to the Data Subject.

4.4 Where Thuto is relying on a Data Subject's consent as the legal basis for Processing Personal Information, the Data Subject may withdraw his/her/its consent or may object to Thuto's Processing of the Personal Information at any time. However, this will not affect the lawfulness of any Processing carried out prior to the withdrawal of consent or any Processing justified by any other legal ground provided under POPIA.

4.5 If the consent is withdrawn or if there is otherwise a justified objection against the use or the Processing of such Personal Information, Thuto will ensure that the Personal Information is no longer Processed.

5. SPECIAL PERSONAL INFORMATION AND PERSONAL INFORMATION OF CHILDREN

5.1 Special Personal Information is sensitive Personal Information of a Data Subject and Thuto acknowledges that it will generally not Process Special Personal Information unless –

5.1.1 Processing is carried out in accordance with the Data Subject's consent;

5.1.2 Processing is necessary for the establishment, exercise or defence of a right or obligation in law;

5.1.3 Processing is for historical, statistical or research purposes, subject to stipulated safeguards;

5.1.4 information has deliberately been made public by the Data Subject; or

5.1.5 specific authorisation applies in terms of POPIA.

5.2 Thuto acknowledges that it may not Process any Personal Information concerning a Child and will only do so where it has obtained the consent of the parent or guardian of that Child or where it is permitted to do so in accordance with applicable laws.

6. PURPOSE FOR PROCESSING PERSONAL INFORMATION

6.1 Thuto understands its obligation to make Data Subjects aware of the fact that it is Processing their Personal Information and inform them of the purpose for which Thuto Processes such Personal Information.

6.2 Thuto will only Process a Data Subject's Personal Information for a specific, lawful and clear purpose (or for specific, lawful and clear purposes) and will ensure that it makes the Data Subject aware of such purpose(s) as far as possible.

6.3 It will ensure that there is a legal basis for the Processing of any Personal Information. Further, Thuto will ensure that Processing will relate only to the purpose for and of which the Data Subject has been made aware (and where relevant, consented to) and will not Process any Personal Information for any other purpose(s).

6.4 Thuto will generally use Personal Information for purposes required to operate and manage its normal operations and these purposes include one or more of the following non-exhaustive purposes –

6.4.1.1 for the purposes of providing its products or services to customers and where relevant, for purposes of doing appropriate customer onboarding and credit vetting

6.4.1.2 for purposes of onboarding suppliers or service providers as approved suppliers/service providers of Thuto. For this purpose, Thuto will also Process a service provider's/supplier's Personal Information for purposes of performing the necessary due diligence checks;

6.4.1.3 as part of the "Know Your Customer" / "KYC" process as per the requirements of the Financial Intelligence Centre Act, No. 38 of 2001;

6.4.1.4 generally for procurement and supply purposes;

6.4.1.5 for purposes of monitoring the use of Thuto's electronic systems and online platforms by Data Subjects. Thuto will, from time to time, engage third party service providers (who will Process the Data Subject's Personal Information on behalf of Thuto) to facilitate this;

6.4.1.6 for purposes of preventing, discovering and investigating violations of this Policy, the applicable law and other Thuto policies;

6.4.1.7 in connection with the execution of payment processing functions, including payment of Thuto's suppliers'/service providers' invoices;

6.4.1.8 for employment-related purposes such as recruiting staff, administering payroll, background checks, etc.;

6.4.1.9 in connection with internal audit purposes (i.e. ensuring that the appropriate internal controls are in place in order to mitigate the relevant risks, as well as to carry out any investigations where this is required);

6.4.1.10 in connection with external audit purposes. For this purpose, Thuto engages external service providers and, in so doing, shares Personal Information of the Data Subjects with third parties;

6.4.1.11 for company secretarial related purposes. For this purpose, Thuto will, from time to time, collect information relating to Data Subjects from third parties such as the Companies and Intellectual Property Commission, an agency of the Department of Trade and Industry in South Africa

6.4.1.12 for such other purposes to which the Data Subject may consent from time to time;

6.4.1.13 for such other purposes as authorised in terms of applicable law; and

6.4.1.14 to comply with any applicable law or any query from Government authorities, including any regulatory authority that has authority over Thuto.

7. KEEPING PERSONAL INFORMATION ACCURATE

7.1 Thuto will take reasonable steps to ensure that all Personal Information is kept as accurate, complete and up to date as reasonably possible depending on the purpose for which Personal Information is collected or further processed.

7.2 Thuto may not always expressly request the Data Subject to verify and update his/her/its Personal Information unless this process is specifically necessary.

7.3 Thuto, however, expects that the Data Subject will notify Thuto from time to time in writing of any updates required in respect of his/her/its Personal Information.

8. STORAGE AND PROCESSING OF PERSONAL INFORMATION BY Thuto AND THIRD PARTY SERVICE PROVIDERS

8.1 Thuto may store your Personal Information in hardcopy format and/or in electronic format using Thuto's own secure on-site servers or other internally hosted technology. Your Personal Information may also be stored by Third Parties, via cloud services or other technology, with whom Thuto has contracted with, to support Thuto's operations as a food manufacturing company.

8.2 Thuto's Third Party service providers, including data storage and processing providers, may from time to time also have access to a Data Subject's Personal Information in connection with purposes for which the Personal Information was initially collected to be Processed.

8.3 Thuto will ensure that such Third Party service providers will Process the Personal Information in accordance with the provisions of this Policy, all other relevant internal policies and procedures and POPIA.

8.4 These Third Parties do not use or have access to the Data Subject's Personal Information other than for purposes specified by Thuto, and Thuto requires such parties to employ at least the same level of security that Thuto uses to protect the Data Subject's personal data.

8.5 Your Personal Information may be Processed in South Africa or another country where Thuto, its affiliates and their Third Party service providers maintain servers and facilities and Thuto will take steps, including by way of contracts, to ensure that it continues to be protected, regardless of its location, in a manner consistent with the standards of protection required under applicable law, including POPIA

9 PERSONAL INFORMATION FOR DIRECT MARKETING PURPOSES

9.1 To the extent that Thuto acts in its capacity as a Direct Marketer, it shall strive to observe, and comply with its obligations under POPIA when implementing principles and practises in relation to Direct Marketing.

9.2 Thuto acknowledges that it may only use Personal Information to contact the Data Subject for purposes of Direct Marketing from time to time where it is permissible to do so.

9.3 It may use Personal Information to contact any Data Subject and/or market Thuto's services directly to the Data Subject(s) if the Data Subject is one of Thuto's existing clients, the Data Subject has requested to receive marketing material from Thuto or Thuto has the Data Subject's consent to market its services directly to the Data Subject.

9.4 If the Data Subject is an existing client, Thuto will only use his/her/its Personal Information if it has obtained the Personal Information through the provision of a service to the Data Subject and only in relation to similar services to the ones Thuto previously provided to the Data Subject.

9.5 Thuto will ensure that a reasonable opportunity is given to the Data Subject to object to the use of their Personal Information for Thuto's marketing purposes when collecting the Personal Information and on the occasion of each communication to the Data Subject for purposes of Direct Marketing.

9.6 Thuto will not use your Personal Information to send you marketing materials if you have requested not to receive them. If you request that we stop Processing your Personal Information for marketing purposes, Thuto shall do so. We encourage that such requests to opt-out of marketing be made via forms and links provided for that purpose in the marketing materials sent to you.

10. RETENTION OF PERSONAL INFORMATION

10.1 Thuto may keep records of the Personal Information, correspondence, or comments it has collected in an electronic or hardcopy file format.

10.2 In terms of POPIA, Thuto may not retain Personal Information for a period longer than is necessary to achieve the purpose for which it was collected or processed and is required to delete, destroy (in such a way that it cannot be reconstructed) or de-identify the information as soon as is reasonably practicable once the purpose has been achieved. This prohibition will not apply in the following circumstances –

10.2.1 where the retention of the record is required or authorised by law or by any Government authority;

10.2.2 Thuto requires the record to fulfil its lawful functions or activities;

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

10.2.4 the Data Subject (or competent person, where the Data Subject is a Child) has consented to such longer retention; or

10.2.5 the record is retained for historical, research, archival or statistical purposes provided safeguards are put in place to prevent use for any other purpose. Accordingly, Thuto will, subject to the exceptions noted in this Policy, retain Personal Information for as long as necessary to fulfil the purposes for which that Personal Information was collected and/or as permitted or required by applicable law.

10.3 Where Thuto retains Personal Information for longer periods for statistical, historical, archival or research purposes, Thuto will ensure that appropriate safeguards have been put in place to ensure that all recorded Personal Information will continue to be Processed in accordance with this Policy and applicable laws.

10.4 Once the purpose for which the Personal Information was initially collected and Processed no longer applies or becomes obsolete, Thuto will ensure that the Personal Information is deleted, destroyed or de-identified sufficiently so that a person cannot re-identify such Personal Information. In instances where we de-identify your Personal Information, Thuto may use such de-identified information indefinitely.

11. FAILURE TO PROVIDE PERSONAL INFORMATION

11.1 Should Thuto need to collect Personal Information by law or under its obligations as an employer or product or service provider, and you fail to provide the Personal Information when requested, we may be unable to perform our duties as an employer, in terms of the applicable law or in terms of providing the product to you.

11.2 Should Thuto need to collect Personal Information for any of the purposes set out in clause 11.1 and you fail to provide the Personal Information when requested, your failure to provide such Personal Information may have negative consequences, including that Thuto may not be able to effectively perform its obligations as an employer (where Thuto needs to Process your Personal Information in order to perform its obligations as an employer) or product or service provider (where Thuto needs to Process your Personal Information in order to provide you with its products or services), have to decline to receive the relevant services from you as a supplier, and you will be notified where this is the case.

12. SAFE-KEEPING OF PERSONAL INFORMATION

12.1 Thuto shall preserve the security of Personal Information and, in particular, prevent its alteration, loss and damage, or access by non-authorised third parties.

12.2 Thuto will ensure the security and integrity of Personal Information in its possession or under its control with appropriate, reasonable technical and organisational measures to prevent loss, unlawful access and unauthorised destruction of Personal Information.

12.3 Thuto has implemented physical, organisational, contractual and technological security measures (having regard to generally accepted information security practices or industry specific requirements or professional rules) to keep all Personal Information secure, including measures protecting any Personal Information from loss or theft, and unauthorised access, disclosure, copying, use or modification. Further, Thuto maintains and regularly verifies that the security measures are effective and regularly updates same in response to new risks.

13. BREACHES OF PERSONAL INFORMATION

13.1 A Data Breach refers to any incident in terms of which reasonable grounds exist to believe that the Personal Information of a Data Subject has been accessed or acquired by any unauthorised person.

13.2 A Data Breach can happen for many reasons, which include: (a) loss or theft of data or equipment on which Personal Information is stored; (b) inappropriate access controls allowing unauthorised use; (c) equipment failure; (d) human error; (e) unforeseen circumstances, such as a fire or flood; (f) deliberate attacks on systems, such as hacking, viruses or phishing scams; and/or (g) alteration of Personal Information without permission and loss of availability of Personal Information.

13.3 Thuto will address any Data Breach in accordance with the terms of POPIA.

13.4 Thuto will notify the Regulator and the affected Data Subject (unless the applicable law or a Government authority requires that we delay notification to the Data Subject) in writing in the event of a Data Breach (or a reasonable belief of a Data Breach) in respect of that Data Subject's Personal Information.

13.5 Thuto will provide such notification as soon as reasonably possible after it has become aware of any Data Breach in respect of such Data Subject's Personal Information.

13.6 Where Thuto acts as an 'Operator' for purposes of POPIA and should any Data Breach affect the data of Data Subjects whose information Thuto Processes as an Operator, Thuto shall (in terms of POPIA) notify the relevant Responsible Party immediately where there are reasonable grounds to believe that the Personal Information of relevant Data Subjects has been accessed or acquired by any unauthorised person.

14. PROVISION OF PERSONAL INFORMATION TO THIRD PARTY SERVICE PROVIDERS

14.1 Thuto may disclose Personal Information to Third Parties and will enter into written agreements with such Third Parties to ensure that they Process any Personal Information in accordance with the provisions of this Policy, and POPIA.

14.2 Thuto notes that such Third Parties may assist Thuto with the purposes listed in paragraph 6.3 above – for example, service providers may be used, inter alia,

14.2.1 for data storage;

14.2.2 to assist Thuto with auditing processes (external auditors);

14.2.3 for providing outsourced services to Thuto, including in respect of its (i) legal, (ii) data storage requirements and (iii) upskilling of its Employees; and/or

14.2.4 to notify the Data Subjects of any pertinent information concerning Thuto.

14.3 Thuto will disclose Personal Information with the consent of the Data Subject or if Thuto is permitted to do so without such consent in accordance with applicable laws.

14.4 Further, Thuto may also send Personal Information to a foreign jurisdiction outside of the Republic of South Africa, including for Processing and storage by Third Parties.

14.5 When Personal Information is transferred to a jurisdiction outside of the Republic of South Africa including to any cloud, data centre or server located outside of the South Africa, Thuto will obtain the necessary consent to transfer the Personal Information to such foreign jurisdiction or may transfer the Personal Information where Thuto is permitted to do so in accordance with the provisions applicable to cross-border flows of Personal Information under POPIA.

14.6 The Data Subject should also take note that the Processing of Personal Information in a foreign jurisdiction, if and to the extent such Processing does occur, may be subject to the laws of the country in which the Personal Information is held, and may be subject to disclosure to the governments, courts of law, enforcement or regulatory agencies of such other country, pursuant to the laws of such country.

15. USE OF WEBSITE COOKIES

15.1 Our website uses cookies, which are small text files sent by a web server to store on a web browser. They are used to ensure websites function properly, store user preferences when needed and collect anonymous statistics on website usage.

15.2 You may refuse to accept cookies by activating the setting on your browser which allows you to refuse the setting of cookies. However, if you select this setting you may be unable to access certain parts of our website. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you log on to the website. If you accept a "cookie" or fail to deny the use of "cookies", you agree that we may use your personal information collected using "cookies" (subject to the provisions of this Policy). Where you either reject or decline cookies, you are informed that you may not be able to fully experience the interactive features of our website.

16. ACCESS TO PERSONAL INFORMATION

16.1 POPIA read with the relevant provisions of the Promotion of Access to Information Act, No. 2 of 2000 ("**PAIA**") confers certain access rights on Data Subjects. Thuto's PAIA Manual can be found https://www.Thutos.co.za/en_ZA/home.html ("**PAIA Manual**"). These rights include -

16.1.1 **a right of access:** a Data Subject having provided adequate proof of identity has the right to: (i) request a Responsible Party to confirm whether any Personal Information is held about the Data Subject; and/or (ii) request from a Responsible Party a description of the Personal Information held by the Responsible Party including information about Third Parties who have or have had access to the Personal Information. A Data Subject may request:

16.1.1.1 Thuto to confirm, free of charge, whether it holds any Personal Information about him/her/it; and

16.1.1.2 to obtain from Thuto the record or description of Personal Information concerning him/her/it and any information regarding the recipients or categories of recipients who have or had access to the Personal Information. Such record or description is to be provided: (a) within a reasonable time; and (b) in a reasonable manner and format and in a form that is generally understandable.

16.1.2 **a right to request correction or deletion:** a Data Subject may also request Thuto to –

16.1.2.1 correct or delete Personal Information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or

16.1.2.2 destroy or delete a record of Personal Information about the Data Subject that Thuto is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.

On receipt of such a request, Thuto is required to, as soon as is reasonably practicable –

16.1.2.2.1 correct the information;

16.1.2.2.2 delete or destroy the information;

16.1.2.2.3 provide the Data Subject with evidence in support of the information; or

16.1.2.2.4 where the Data Subject and Responsible Party cannot reach agreement on the request and if the Data Subject requests this, Thuto will take reasonable steps to attach to the information an indication that correction has been requested but has not been made;

16.1.3 **a right to withdraw consent and to object to processing:** a Data Subject that has previously consented to the Processing of his/her/its Personal Information has the right to withdraw such consent and may do so by providing Thuto with notice to such effect at the address set out in paragraph 20. Further, a Data Subject may object, on reasonable grounds, to the Processing of Personal Information relating to him/her/it.

16.2 Accordingly, Thuto may request the Data Subject to provide sufficient identification to permit access to, or provide information regarding the existence, use or disclosure of the Data Subject's Personal Information. Any such identifying information shall only be used for the purpose of facilitating access to or information regarding the Personal Information.

16.3 The Data Subject can request in writing to review any Personal Information about the Data Subject that Thuto holds including Personal Information that Thuto has collected, utilised or disclosed.

16.4 Thuto shall respond to these requests in accordance with POPIA and PAIA and provide the Data Subject with any such Personal Information to the extent required by law and any of Thuto's policies and procedures which apply in terms of the PAIA.

16.5 The Data Subject can challenge the accuracy or completeness of his/her/its Personal Information in Thuto's records at any time in accordance with the process set out in the PAIA Manual for accessing information.

16.6 If a Data Subject successfully demonstrates that their Personal Information in Thuto's records is inaccurate or incomplete, Thuto will ensure that such Personal Information is amended or deleted as required (including by any Third Parties).

17. TIME PERIODS

17.1 Thuto will respond to each written request of a Data Subject not later than 30 (thirty) days after receipt of such requests. Under certain circumstances, Thuto may, however, extend the original period of 30 days once for a further period of not more than 30 (thirty) days.

17.2 A Data Subject has the right to make a complaint to Thuto in respect of this time limit by contacting Thuto using the contact details provided in paragraph 20 below.

18. COSTS TO ACCESS TO PERSONAL INFORMATION

The prescribed fees to be paid for copies of the Data Subject's Personal Information are listed in the PAIA Manual.

19. CHANGES TO THIS POLICY

19.1 Thuto reserves the right to make amendments to this Policy from time to time and will use reasonable efforts to notify Data Subjects of such amendments.

19.2 The current version of this Policy will govern the respective rights and obligations between the Data Subject and Thuto each time that the Data Subject access and use Thuto's site.

– Website: <http://justice.gov.za/inforeg/> Tel: 012 406 4818 Fax: 086 500 3351
Email: inforeg@justice.gov.za

Contact Us

If you have any questions about this Privacy Policy, You can contact us:

- By visiting this page on our website: thuto.io
- By sending us an email: info@thuto.io