



PRIVACY POLICY

By accessing and using this website or and/or our services, the user is providing his/her express and voluntary consent to the processing of their personal information by Empanda (Pty) Ltd (“Empanda”) on the basis set out in this privacy notice. If the user does not consent, the user must immediately stop accessing and/or using this website and our services.

1. INTRODUCTION

- 1.1 Empanda collects, uses and, in some circumstances, shares the personal information of Users by virtue of its legitimate business operations and in discharging its obligations as an employer.
- 1.2 Empanda respects the rights of Users whose personal information is collected and used by it, including their right to protection against the unlawful collection, retention, sharing and use of such personal information.
- 1.3 The purpose of this Privacy Policy is to provide Users with information about the information processing activities of Empanda and the manner in which their rights are protected.
- 1.4 This Privacy Policy shall serve as a notification to Users about Empanda’s processing activities which will remain valid for as long as one has an active account with or is using the services of Empanda, including the browsing of this website. Users will not be notified separately on each occasion that Empanda processes the same personal information in the same way over the period.
- 1.5 Empanda may amend the provisions of this Privacy Policy to comply with any changes in the law, and/or pursuant to any changes to its information processing activities or privacy practices. Such amendments will be published on the website and will become operable from the date of such publication.
- 1.6 This Privacy Policy, and the interpretation and enforcement thereof, will be governed by the laws of the Republic of South Africa.

2. DEFINITIONS AND INTERPRETATION

- 2.1 In this Privacy Policy, the following words bear the following meanings:

- 2.1.1 “**consent**” means any voluntary, specific and informed expression of will in terms of which permission is given by a User for the processing of their personal information or special personal information;
- 2.1.2 “**direct marketing**” means to approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of promoting or offering to supply any goods or services to the data subject;
- 2.1.3 “**information officer**” means the Information Officer of Empanda from time to time.
- 2.1.4 “**operator**” means an outside third party who processes personal information for or on behalf of Empanda in terms of a contract or mandate;
- 2.1.5 “**PAIA**” means the Promotion of Access to Information Act 2 of 2000;
- 2.1.6 “**personal information**” means any information linked to a User or information that can identify a User, including but not limited to:
- 2.1.6.1 information relating to a User’s gender, nationality, ethnic or social origin age, language;
 - 2.1.6.2 a User’s e-mail address, physical address, telephone number, location information or online identifier;
 - 2.1.6.3 a User’s financial information including banking details and invoice information;
 - 2.1.6.4 a User’s personal opinions, views or preferences;
 - 2.1.6.5 correspondence sent by a User which is of a private or confidential nature;
 - 2.1.6.6 the User’s special personal information, including without limitation information about a User’s health; and
 - 2.1.6.7 the User’s name if it appears with other personal information relating to that User, or if the disclosure of their name on its own would reveal further personal information about that User;
- 2.1.7 “**POPIA**” means the Protection of Personal Information Act of 2013, including any regulations or codes of conduct promulgated under it;
- 2.1.8 “**process**” or “**processing**” means, in relation to personal information, any operation or activity or any set of operations, whether or not by automatic means, including:

- 2.1.8.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use of that information;
 - 2.1.8.2 dissemination by means of transmission, distribution or making available in any other form; or
 - 2.1.8.3 merging, linking, as well as restriction, degradation, erasure or destruction of that information;
 - 2.1.9 “**special personal information**” means the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health, sex life or any biometric information of a User; and may include criminal behaviour of a User to the extent such data relates to the alleged commission of the User of an offence or any proceedings in respect of any offence allegedly committed by a User or the disposal of such proceedings;
 - 2.1.10 “**services**” means the services provided to any User by Empanda;
 - 2.1.11 “**User**” means a visitor or User of this website or application, or any of the content or services associated with this website or application; and
 - 2.1.12 “**the website**” means the website or application or any part thereof which is accessible from www.empanda.co.za
- 2.2 Any reference in this Privacy Policy to:
- 2.2.1 the singular includes the plural and the other way around;
 - 2.2.2 any one gender includes the other genders, as the case may be;
 - 2.2.3 an act, regulation or other law is to the version of that law in force at the effective date of this Policy and includes any amendment or re-enactment made to that law after the effective date of this Policy.
- 2.3 When calculating any number of days for the purposes of this Policy, the first day must be excluded and the last day of the relevant interval included, unless the last day is not a business day, then the last day will be the next succeeding business day.
- 2.4 The word "include" means "include without limitation". Use of the word “include” or “in particular” is for illustration or emphasis only and where followed by specific examples must not be interpreted as limiting the meaning of the general wording preceding it.
- 2.5 A requirement that any Policy, request, demand or other communication made in terms of this Privacy Policy must be in writing will be met if it is in the form of a data message as defined in the Electronic Communications and Transactions Act,

No. 25 of 2002, and is accessible in a manner usable for subsequent reference, provided that this policy may not be amended as such.

3. RESPONSIBLE PARTY

- 3.1 Empanda will be the party who will be collecting and processing a User's personal information and as such is designated as the "responsible party" for the purposes of this Policy.
- 3.2 Empanda's contact details are as follows:
 - 3.2.1 Email: info@empanda.co.za
 - 3.2.2 Website address: www.empanda.co.za
- 3.3 Empanda may instruct third party operators from time to time to undertake certain processing activities relating to the User's personal information.

4. WHAT PERSONAL INFORMATION IS COLLECTED

- 4.1 Empanda may collect the following personal information from the User:
 - 4.1.1 Initials, first name, surname;
 - 4.1.2 Health information (including temperature and other symptoms);
 - 4.1.3 Biometric information (including images);
 - 4.1.4 Date of birth;
 - 4.1.5 Email address;
 - 4.1.6 Age and language preference;
 - 4.1.7 Gender;
 - 4.1.8 Cellphone number;
 - 4.1.9 Physical address;
 - 4.1.10 Geo-location data;
 - 4.1.11 Employment details; and
 - 4.1.12 Identity or passport number.
- 4.2 The supply of personal information by the User to Empanda is voluntary and not mandatory. However, if the User refuses to supply any personal information,

certain consequences may naturally flow from such a refusal, such as preventing Empanda from concluding or performing any contract with the User, or preventing Empanda from complying with one or more of its obligations in law.

- 4.3 There are certain laws which require or authorise Empanda to collect a User's personal information.

5. PURPOSE/S FOR COLLECTION AND PROCESSING OF PERSONAL INFORMATION

- 5.1 Empanda shall only collect a User's personal information for a specific, explicitly defined and lawful purpose relating to a function or activity of Empanda's business.

- 5.2 Such purposes may include the following:

5.2.1 to enter into a contract with a User;

5.2.2 to perform any obligations under a contract with a User;

5.2.3 to comply with a legal obligation;

5.2.4 to protect a legitimate interest of a User (unless the User has specifically objected in writing to all or some of the processing activities on reasonable grounds);

5.2.5 to pursue its own legitimate interests or the legitimate interests of a third party who it is sharing the information with (unless the User has specifically objected in writing to all or some of the processing activities on reasonable grounds);

5.2.6 to process personal information for direct marketing purposes (only if the User has opted in to receiving any direct marketing material);

5.2.7 to customise and display content to the User in a way that Empanda feels may interest the User or be most beneficial to them;

5.2.8 to send content including, but not limited to products, articles, listings and advertisement content to the User via email or other electronic media, where the User has consented to be contacted by Empanda with such content;

5.2.9 to enable the User to voluntarily participate in interactive features; or

5.2.10 to notify the User about changes to the website or services.

- 5.3 If Empanda intends to process a User's personal information for any other purpose not listed in clause 5.2 or which is otherwise not automatically permitted by law, it shall ensure that it obtains the User's written consent to do so.

- 5.4 Empanda will not sell a User's personal information to any third party without the prior written consent of the User.

6. COLLECTION DIRECTLY FROM USER

- 6.1 Empanda shall, as far as possible, collect personal information about a User directly from the User, except in the following circumstances:

- 6.1.1 Where personal information is available on a public record;
- 6.1.2 where the User has given their written consent to Empanda to collect their information from another source;
- 6.1.3 where it is more practicable to collect the information from another source;
- 6.1.4 where the collection of a User's personal information from another source will not prejudice any of the User's legitimate interests;
- 6.1.5 where the collection of personal information from another source is necessary to maintain Empanda's legitimate interests or those of any third party it intends sharing the information with;
- 6.1.6 where the collection of personal information directly from the User would prejudice the purpose for the collection;
- 6.1.7 where the collection of personal information directly from the User is not reasonably practicable in the circumstances.

- 6.2 If Empanda collects personal information from a source other than the User, it shall record in writing the details of that source, including the full names and contact details of that source where applicable.

- 6.3 Personal information may be collected from or supplied by the User in any of the following ways:

- 6.3.1 through the use of an iOS or Android application;
- 6.3.2 through the use of the service via a computer or mobile browser;
- 6.3.3 when requesting further services or information from Empanda;
- 6.3.4 when contacting Empanda to report a problem with the website or the services or for any other reason;
- 6.3.5 when completing any forms on the website.

- 6.4 The User may visit the website without providing any personal information. However, the website's servers may still collect technical information regarding the

use of the website, which is aggregated for analytical purposes, technical maintenance and for improving the content offered on the website. Such information may include details of the User's visit, information about the User's computer, including IP (Internet Protocol) address, operating system and browser type, the User's location, and usage information. An individual User will not be identified from or by this information and Empanda is entitled to copy, distribute or otherwise use such information without limitation.

7. COOKIES

- 7.1 "Cookies" are small text files transferred by a webserver to a User's hard drive and thereafter stored on their computer. The types of information a Cookie collects includes a User's Username, the date and time of their visits to the website, their browsing history and preferences.
- 7.2 Empanda may use Cookies on this website to:
- 7.2.1 distinguish one User from another on the website;
 - 7.2.2 remember the User's last session when they return to the website;
 - 7.2.3 estimate the website's audience size and usage patterns;
 - 7.2.4 store information about the User's preferences, which allows Empanda to customize the website and content according to the Users individual preferences; and
 - 7.2.5 speed up searches on the website.
- 7.3 The provisions of this clause are only applicable to Cookies used by Empanda. In some instances, third-party service providers may use Cookies on the website. Empanda cannot and does not control or access Cookies used by third party service providers and takes no responsibility therefor.
- 7.4 The User has the right and ability to either accept or decline the use of Cookies on their computer's web browser, whether they are logged in as a member, or simply casually visiting the website. However, declining the use of Cookies may limit a User's access to certain features on the website.

8. GENERAL CONDITIONS FOR PROCESSING PERSONAL INFORMATION

- 8.1 Empanda shall comply with all laws, contracts or regulations when it processes a User's personal information.
- 8.2 Empanda shall not act unreasonably when processing a User's personal information. This means that it will collect and process a User's personal information in a way that the User can reasonably expect and in a way that is fair.

- 8.3 Empanda shall respect the User's right to privacy at all times. If there is another way in which it can achieve the same goal without posing any risk of harm to the privacy rights of the User, then it will choose that option.
- 8.4 Similarly, if Empanda needs to process personal information but there are less privacy-invasive methods of collecting, using and sharing that information, then it will use those methods.
- 8.5 Empanda shall ensure that the personal information that is collected and processed is and remains relevant to the identified purpose/s for such processing, and that such information is and remains adequate, but not excessive, for achieving the identified purpose/s.
- 8.6 If there are any alternative ways to achieve the identified purpose/s without processing personal information, Empanda shall not process that personal information.
- 8.7 Empanda shall ensure that the processing activities it chooses to apply are proportionate to achieving the identified purpose/s and that no less privacy invasive measures are available to achieve the same purpose/s.
- 8.8 Empanda shall ensure that, regardless of the stated purpose/s for processing personal information, the rights and interests of Users will not be unnecessarily prejudiced or infringed, unless it cannot be avoided, and then in such cases, it shall ensure that its own rights and/or interests justify such prejudice or infringement taking place.
- 8.9 Empanda shall be entitled to store the personal information of Users indefinitely unless the User objects thereto. In the event a User objects to the indefinite storage, once Empanda has achieved the purpose for the collection of the User's personal information, it will destroy or delete such information, unless the User has directed otherwise in writing, or Empanda is required by law to retain the information for a longer period of time.
- 8.10 If Empanda no longer needs to process personal information to achieve the purpose originally specified, it will stop using that information.

9. DISCLOSURE AND SHARING OF PERSONAL INFORMATION

- 9.1 Empanda may, in the course of providing any content or services on this website, or for the purposes of concluding or performing any other services or transaction with a User, share certain personal information with third party operators who perform certain processing activities on behalf of Empanda.
- 9.2 The information shared and the categories of third party operators with whom it is shared will always be notified to you prior to being shared. Notwithstanding the foregoing, you consent to us sharing your personal information with the following operators:

- 9.2.1 Our legal advisors;
 - 9.2.2 Our financial advisors; and
 - 9.2.3 Our communication platforms.
- 9.3 Empanda may also share aggregated information about Users of this website and their usage patterns. Such aggregated information will be de-identified and the User's personal information will not be disclosed.
- 9.4 Other than as stated in this Clause, or as permitted by law, Empanda shall not share a User's personal information with any third parties unless it has the User's express consent to do so.

10. USER'S RIGHTS IN RELATION TO THE PROCESSING OF THEIR PERSONAL INFORMATION

- 10.1 Users shall have the following rights in relation to the processing of their personal information:
- 10.1.1 to access and correct any personal information held by Empanda about them;
 - 10.1.2 to object to the processing of their information; and
 - 10.1.3 to lodge a complaint with the Information Regulator (<https://justice.gov.za/infoereg/>).
- 10.2 Users may make a request in terms of clause 10.1.1 by following the process for making such a request as set out in Empanda's PAIA manual.

11. FURTHER PROCESSING

- 11.1 Empanda shall not process a User's personal information for any purpose not previously specified except in the following circumstances:
- 11.1.1 where the User has consented to such further processing;
 - 11.1.2 where the further processing is necessary for the exercise of any contractual rights or the fulfillment of any obligations between Empanda and the User;
 - 11.1.3 where the further processing activities are linked to or compatible with the original purpose;
 - 11.1.4 where the further processing is necessary for the prevention, detection, investigation, prosecution and punishment of an offence;
 - 11.1.5 where the further processing is necessary to enforce any law;

11.1.6 where the further processing is necessary for the conduct of legal proceedings in any court or tribunal that have commenced or are reasonably contemplated;

11.1.7 where the further processing is necessary to prevent or mitigate a serious and imminent threat to the life or health of the User or another individual;

11.1.8 where the further processing is necessary for historical, statistical or research purposes.

11.2 Empanda shall ensure that if it intends processing personal information for other purposes not previously specified, it shall notify the User of such further purposes and the possible consequences of the intended further processing for the User.

12. ACCURACY, CORRECTNESS AND COMPLETENESS OF PERSONAL INFORMATION

12.1 Empanda shall take reasonably practicable steps to ensure that the personal information kept by it about Users is complete, accurate, not misleading and is updated when necessary.

12.2 However, if a User is aware of any personal information in Empanda's custody that is incorrect, inaccurate or which needs to be updated, the User must make a written request to Empanda's Information Officer by utilising the processes and forms contained in Empanda's PAIA Manual, in order to update or correct the relevant information.

12.3 If a User has contested the accuracy of any personal information being used by Empanda, it shall immediately stop using that information until its accuracy has been verified, if it is reasonably practicable to do so.

12.4 Empanda reserves its right to only adhere to a request from a User in terms of clause 12.2 if the correction or updating of that information will result in the personal information being correct and accurate.

13. SECURITY SAFEGUARDS

13.1 Empanda is committed to protecting the personal information in its custody against any loss of, damage to or unauthorised destruction of that information, and to prevent any unauthorised parties from accessing that information.

13.2 Empanda takes steps to continually identify and document any risks to the personal information it has in its possession or under its control and that appropriate security safeguards are in place against those risks.

- 13.3 Empanda shall ensure that in any contracts entered into with third party operators who process personal information on Empanda's behalf, include the following obligations:
- 13.3.1 the operator shall not process any personal information without Empanda's knowledge and authority;
 - 13.3.2 the operator shall treat all personal information given to it as confidential and shall not disclose it to any unauthorised third parties;
 - 13.3.3 the operator shall establish and maintain adequate security measures which are the same or offer similar protection over the personal information as that employed by Empanda;
 - 13.3.4 the operator shall notify Empanda immediately where there are reasonable grounds to believe that any personal information has been leaked to or accessed by any unauthorised person;
 - 13.3.5 if the operator is situated in another country, it must comply with the data protection laws in that country and be able to provide verification that it is so compliant;
 - 13.3.6 if an operator is legally obliged to disclose any personal information processed by them on Empanda's behalf to other parties, it must notify Empanda beforehand to enable Empanda and/or individual Users to protect their rights if necessary.
- 13.4 Empanda shall ensure that all personal information on its systems is properly backed-up and that back-up copies are stored separately from the live files.

14. NOTIFICATION OF BREACH OF SECURITY

- 14.1 If personal information about a User is inadvertently leaked or Empanda's security has been unlawfully breached by any unauthorised party, Empanda shall immediately identify the relevant Users who may be affected by the security breach, and shall contact them at their last known email address or contact details or by the quickest means possible.
- 14.2 Empanda shall provide sufficient information to the User to allow him or her to take the necessary protective measures against the potential consequences of the compromise, or shall advise Users of the steps to be taken by them and the possible consequences that may ensue from the breach for them.

15. CHILDREN'S PERSONAL INFORMATION

Empanda shall not process any personal information relating to a person under the age of 18 years unless it has obtained consent from that person's parent or legal guardian. If this website is being accessed by the parent or guardian of a child under the age of 18

years, and personal information pertaining to that child is being provided by the parent or guardian, then they hereby expressly consent to Empanda processing such information according to the further provisions of this Privacy Policy.

16. CROSS BORDER TRANSFERS OF PERSONAL INFORMATION

The User consents that personal information (including special personal information) may be transferred transborder, even to countries without data protection laws similar to those of South Africa, for storage purposes, or if it is in Empanda's legitimate interests or those of a third party to do so.

17. RETENTION OF INFORMATION

The User consents that Empanda may keep record of his/her personal information for an indefinite period of time, unless User objects. In such case Empanda will only keep such records if it is lawfully entitled or obliged to do so.

18. RETURNING, DESTROYING OR DELETING PERSONAL INFORMATION

18.1 Where Empanda is no longer authorised to retain a record of any personal information, it shall either:

18.1.1 ensure that the information is permanently destroyed or deleted as soon as reasonably practicable; or

18.1.2 return the information to the User or transfer it to a third party, if requested by the User in writing to do so.

19. CONSENT

19.1 The User hereby consents to the processing of their personal information in terms of the provisions of this Privacy Policy.

19.2 The User acknowledges and agrees that such consent has been given voluntarily after the User has read and understood the provisions of this Privacy Policy, in particular, regarding the following:

19.2.1 the types of personal information to be processed, including specifically special personal information;

19.2.2 the specific processing activities to be undertaken;

19.2.3 the specific purpose/s for such processing; and

19.2.4 the possible consequences for the User that may arise from such processing.

- 19.3 Should a User wish to withdraw any consent previously given by the User, they must notify Empanda's Information Officer in writing.

20. LODGING AN OBJECTION

- 20.1 A User may, on reasonable grounds, object to the processing of their personal information at any time after that processing has started.
- 20.2 If a User wishes to object to the processing of their personal information, they should contact Empanda's Information Officer in writing and provide, reasons for doing so. Users may use the process and forms contained within Empanda's PAIA manual available on our website.

21. CHOICE OF LAW

This Privacy Policy shall be governed and interpreted in accordance with the laws of the Republic of South Africa.

22. AMENDMENT OF THIS PRIVACY POLICY

- 22.1 Empanda reserves the right to change, update, add, remove and/or amend any of the provisions of this Privacy Policy from time to time. Such changes, updates, additions, removals or amendments will become effective from the date of their publication on this website.
- 22.2 It is the User's obligation to periodically check the provisions of this Privacy Policy for any such changes, updates, additions, removals or amendments.
- 22.3 The User's continued use of this website following any changes, updates, additions, removals or amendments to this Privacy Policy will be considered Policy of the User's acceptance to abide by and be bound by this Privacy Policy, as amended.

23. CONTACT

For more information on your rights to privacy over your information, or the information processing activities of Empanda, please do not hesitate to contact us directly using the contact information contained on our website/

Date of last update: 11 October 2021