

## **PRIVACY POLICY**

### **Smollan Group SA Proprietary Limited (“Smollan”)**

1. Smollan believes in protecting the personal information it collects from individuals that access or use ("users") the website situated at [www.smollan.com](http://www.smollan.com) ("the website").
2. By accessing the website, users agree to be bound by the Privacy Policy effective at the time of such access and this Privacy Policy forms part of the Smollan website **standard terms and conditions** and is subject to the Smollan’s **standard terms and conditions**.
3. Smollan reserves the right in its sole discretion to amend this Privacy Policy from time to time. In this event, Smollan will post the revised policy on the website. Each time a user accesses the website, the user agrees to be bound by the policy posted on the website at that time.
4. Smollan will take all reasonable steps to use or disclose users' personal information only in the manner allowed by this Policy.

#### **5. Personal information**

Personal information refers to all private information about an identifiable individual, including, but not limited to, a user's name, contact details, identity number, income levels, age, personal views and preferences.

#### **6. Active collection of personal information**

The website actively collects personal information from users by asking users specific questions and by permitting users to communicate directly with Smollan, for example via e-mail, feedback forms, forums and/or chat rooms.

Some areas of this site may also require the user to submit information in order for the user to register for certain services or benefit from specified features (for example newsletter subscriptions, tips/pointers, employment opportunities) or to participate in a particular activity (such as competitions or other promotions) (collectively referred to as the "value added services").

In these situations, Smollan will ask the user for particular information, and inform the user at each information point what information is required and what information is optional.

#### **7. Passive collection of personal information**

Smollan passively collects (i.e. without the user actively providing the information) personal information about a user as the user accesses and navigates through the website using various technologies and means, such as navigational data collection and cookies.

A cookie is an alphanumeric identifier which Smollan's computer system transfers to a user's hard drive through the user's web browser when the user visits the website. It enables Smollan's system to recognise the user when the user visits the website again and to improve our service to the user.

This enables Smollan to diagnose problems with its server, report and aggregate information, determine the fastest route for a user's computer to use in connecting with the website, and better administer and improve the site.

Please note that users may disable the use of cookies by configuring the user's browser accordingly.

## **8. Consent to collection, use and storage of user's personal information**

The user agrees that Smollan may collect, use and store the user's personal information

- 8.1 to establish and verify a user's identity;
- 8.2 to maintain and update Smollan's customer, or potential customer, databases;
- 8.3 to greet the user when he/she accesses the website;
- 8.4 to provide the user with value added services;
- 8.5 to communicate with the user;
- 8.6 to customise the website to users' preferences;
- 8.7 to inform the user of facts relating to his/her access to and use of the website;
- 8.8 to improve the content of the website or any of the services provided by Smollan ("Smollan services");
- 8.9 to inform the user about Smollan services, including information of particular relevance to that user;
- 8.10 to inform the user about competitions, promotions and special offers from Smollan;
- 8.11 for marketing, product research and development purposes of Smollan;
- 8.12 to provide the user with targeted advertising when he/she accesses the website or other websites of Smollan's; and
- 8.13 to compile, use, disclose and trade with, non-personal statistical information about browsing habits, click-patterns, user preferences and access to the website.

## **9. Disclosure of user's personal information**

Smollan will not disclose, for commercial gain or otherwise, users' personal information other than as set out in this policy.

The user agrees that Smollan may disclose the user's personal information

- 9.1 to Smollan's affiliates;

- 9.2 to third parties contracted or employed by Smollan to provide services for or to Smollan, including for example, website hosting and development, technical support, financial services such as processing of credit card or other payments, delivery services, and other support services. These companies require access to users' personal information to perform their functions and not for any other purposes and Smollan will take all reasonable steps to enter into confidentiality and non-disclosure agreements with the relevant service providers;
- 9.3 to any third party who acquires all, or substantially all, of the assets or shares in Smollan, any of Smollan's affiliates, and/or the website, whether by sale, merger, acquisition or otherwise; and
- 9.4 to governmental agencies, exchanges and other regulatory or self-regulatory bodies if Smollan is required to do so by law or if Smollan believes that such action is necessary to –
- 9.4.1 comply with the law or with any legal process;
  - 9.4.2 protect and defend the rights, property or safety of Smollan, its affiliates or their customers;
  - 9.4.3 prevent or deal with fraud or the abuse, misuse or unauthorised use of the website; and/or
  - 9.4.4 protect the rights, property or safety of members of the public (if a user provides false or deceptive information about him/herself or misrepresents him/herself as being someone else, Smollan will proactively disclose such information to the appropriate regulatory bodies and commercial entities).

The user agrees that Smollan may use the user's personal information to compile profiles for statistical purposes and may freely trade with such profiles and statistical data, provided that the profiles or statistical data cannot be linked to the user by a third party.

#### 10. **Accuracy of personal information**

In order to ensure that a user's personal information is accurate, current, and complete, the user may contact Smollan at the contact details below:

[+27 860 435763 \(0860 HELPME\)](tel:+27860435763) OR [legal@smollan.co.za](mailto:legal@smollan.co.za)

Smollan will take reasonable steps to correct or update such information.

Smollan reserves the right to charge the user a fee to cover Smollan's expenses in this regard.

#### 11. **Unsolicited communications**

Should a user not wish to receive electronic communications from Smollan, the user may unsubscribe from such communications by clicking on the "unsubscribe" link in the communication section or contact the call centre on **+27 860 435763**.

## 12. **Security**

Smollan takes reasonable steps to put in place and maintain electronic procedures and systems with reference to accepted technological standards –

- 12.1 to ensure the accuracy of;
- 12.2 to prevent unauthorised access to or disclosure of; and
- 12.3 to protect from misuse, loss, alteration or destruction users' personal information.

However, the user acknowledges that that Internet communications and transactions are not 100% secure or error free. In particular, information may not be secure in transit from the user to the website.

Moreover, where the user provides particularly sensitive personal information such as passwords, ID numbers, or other special access features on this site, it is the user's responsibility to safeguard them.

## 13. **Linking to third party websites**

Smollan is not responsible for the privacy practices of third party websites to which there may be links on the website. Smollan advises users to read the privacy policy of each website which users visit.

## 14. **Queries and complaints**

If a user has any queries or complaints concerning this Privacy Policy and its application, the user may contact the compliance officer at [+27 860 435763 \(0860 HELPME\)](tel:+27860435763) OR [legal@smollan.co.za](mailto:legal@smollan.co.za).

## 15. **Governing Law and Jurisdiction**

These terms and conditions and the relationship between you and Smollan will be governed by the laws of the Republic of South Africa without regard to its conflict of law provisions. You consent to the jurisdiction of the relevant Magistrate's Court of South Africa having jurisdiction in respect of any proceedings instituted by either party in terms of these terms and conditions. In the event that legal proceedings are instituted by either party against the other, the unsuccessful party will pay the costs of the successful party on an attorney and own client scale.