

# PRIVACY POLICY



NXTFOX Pty Ltd understands the value of your personal information and the importance of protecting any and all personal information gathered by NXTFOX.

This document describes how NXTFOX collects & uses your personal information, who we share it with and your choices and rights with regards to your personal information.

The above mentioned applies to any information we collect from you in person or from a digital environment during any interaction, including our website, social media sites or mobile services, in writing or orally, and for any valid reason.

## 1. Collection of Information

NXTFOX is subject to the Protection of Personal Information Act, No.4 of 2013 (“POPIA”), of which the provisions came into effect on 1 July 2020. All public & private entities have until 1 July 2021 to ensure that they are fully compliant. According to “POPIA”, personal information is defined as any information relating to an identifiable, living, natural person and where applicable, an identifiable, existing juristic person, including, but not limited to:

- 1.1. information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- 1.2. information relating to the education or the medical, financial, criminal or employment history of the person;
- 1.3. any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignments to the person;
- 1.4. the biometric information of the person;
- 1.5. the personal opinions, views or preferences of the person;

1.6 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;

1.7 the views or opinions of another individual about the person; and

1.8 the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

Depending on how you interact with us, personal information we collect may include but is not limited to:

- your name and/or business name
- email address
- postal address
- residential or business address
- telephone number (fixed or mobile)
- your gender

We may also collect other information that does not identify you personally, but is required when an debit order is or account is opened with NXTFOX. The above-mentioned might include but is not limited to, geographic location and home language. Should we link this information to your personal information, all of the above will be treated as personal information.

## **2. Information collection process**

Information is gathered along with the completion of debit orders, accounts opened, distributor or installer registration and end user service registrations. All of the above information is used to enable us to ensure that we can interact with our clients and their purchases for the delivery of equipment and technical assistance when required.

### **3. Legal basis for processing your personal information**

When we process your personal information in connection with any purpose, as mentioned in this Privacy Policy, we may rely on one or more of the following legal bases, depending on the purpose for which the processing of your information is undertaken:

- Where this is necessary to comply with a legal obligation on us Criminal Procedure Act, Consumer Protection Act whether contractually or otherwise.
- To protect the vital interests of any individual.
- Where you have consented for such processing to take place through the above.

### **4. Use of your personal information**

We may use your personal information for any and all of the following:

- Perform administrative functions and internal reporting.
- Send administrative information to you.
- Respond to your inquiries and fulfil requests by you.
- Inform you about and provide you with necessary communication.
- Update our records and keep your contact details up to date.
- Maintaining an electronic and printed database of all suppliers, customers, installers or end users.

We engage in these activities to manage our relationship with you, to comply with our legal obligations or for our legitimate purposes:

Provide you with marketing materials, for example to:

- Send marketing communications to you.
- Establish, manage and maintain our relationship with you.
- Compile usage statistics.
- Process and respond to questions, concerns and complaints.
- Fulfil legal obligations.

## 5. Your rights as a data subject

As a data subject, you have the right to have your personal information processed in accordance with the conditions for the lawful processing of personal information as referred to in Chapter 3 of POPIA, including the right,

- to be notified that—
  - personal information about you is being collected as provided for in terms of section 18; or
  - your personal information has been accessed or acquired by an unauthorised person as provided for in terms of section 22;
- to establish whether a responsible party holds personal information of you and to request access to your personal information as provided for in terms of section 23;
- to request, where necessary, the correction, destruction or deletion of your personal information as provided for in terms of section 24;
- to object, on reasonable grounds relating to your particular situation to the processing of your personal information as provided for in terms section 11 (3) (a);
- to object to the processing of your personal information
- at any time for purposes of direct marketing in terms of section 11 (3) (b); or
- in terms of section 69 (3) (c);
- not to have your personal information processed for purposes of direct marketing by means of unsolicited electronic communications except as referred to in section 69 (1);
- not to be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of your personal information intended to provide a profile of you as provided for in terms of section 71;
- to submit a complaint to the Regulator regarding the alleged interference with the protection of your personal information as a data subject or to submit a complaint to the Regulator in respect of a determination of an adjudicator as provided for in terms of section 74; and

- to institute civil proceedings regarding the alleged interference with the protection of your personal information as provided for in section 99.

All references to sections above are to sections in POPIA.

## **6. Sharing your personal information**

We may share your personal information for the purposes set out in this Privacy Policy (as applicable):

- Where you consent to the sharing of your personal information;
- As a direct result of your use of online portals;
- As a direct result of a complaint;
- For debt collection agencies or other debt recovery organisations;
  
- For other legal reasons:
  - We may share your personal information in response to a request for information by a competent authority in accordance with, or required by any applicable law, regulation or legal process;
  - Where necessary to comply with judicial proceedings, court orders or government orders, or;
  - To protect the rights, property or safety of NXTFOX, its staff and office bearers, business partners, you, or others, or as otherwise required by applicable law

## **7. Security of your personal information**

NXTFOX is committed to protecting all personal information in their possession from an accidental or unlawful destruction, damage, loss or unauthorised access. NXTFOX will ensure reasonable, appropriate, physical, administrative and technical preventative measures to ensure the safety and security of any and all personal information.

In the event that you unsubscribe from receiving marketing material, please note that we may still send you administrative communication as part of our ongoing agreement and as needed.

## **8. Direct marketing**

NXTFOX may send you communication with regards to direct marketing in the event of news, events and accolades. Should you wish to no longer receive marketing communications from NXTFOX via email, SMS or phone, you are at liberty to opt-out of receiving such information from us at any time and manage your communication preferences.

## **9. Retaining your personal information**

NXTFOX will retain your personal information for as long as needed to fulfil the purpose for which it was originally collected unless a longer retention period is required to comply with legal obligations, resolve disputes, protect our assets or enforce agreements.

The criteria we use to determine retention periods include whether:

- We are under a legal, contractual or unrelated obligation to retain such information;
- If such information forms part of an ongoing investigation or for litigation purposes;
- Where personal information is needed to maintain accurate business and financial records;
- You have consented to us retaining your personal information for a longer retention period.

## **10. Updates to this privacy policy**

NXTFOX reserves the right to update this Privacy Policy at any given time. Should we do so, we will ensure that the updated version of the document is communicated to relevant parties and individuals.