

MG Sandton Privacy Policy

1. **We at MG Sandton are committed to protecting your privacy and ensuring that your personal information is handled in compliance with the Protection of Personal Information Act, Act No. 4 of 2013 (as amended). This Privacy Policy explains how we collect, use, disclose, and protect your personal information when you interact with our website and services.**

2. DEFINITIONS

In this Policy, unless the context indicates a contrary intention, the following words and expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings –

- 2.1. **"Act"** means the Protection of Personal Information Act, Act No. 4 of 2013 (as amended);
- 2.2. **"Company"** means Day 1 Motor Retail (Pty) LTD t/a MG Sandton, with registration number **2016/299735/07** a private company duly registered and incorporated in the Republic of South Africa;
- 2.3. **"Website User"** means the person to whom personal information relates;
- 2.4. **"Directors"** means directors of the Company appointed to the Board;
- 2.5. **"Website User/s/"** The individual accessing or using the service, or a entity or other legal entity on whose behalf such access is made.
- 2.6. **"Information Officer"** means the designated compliance officer appointed by the Company to address compliance with the Act, from time to time;
- 2.7. **"this Policy"** means this Protection of Personal Information ("POPI") policy and any addendum thereto as may be amended by the Company and signed by the parties from time to time;
- 2.8. **"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.

3. INTRODUCTION

This policy describes the Company's guidelines with regard to:-

- 3.1. The use of personal information gained through the website;



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- 3.2. Access to and disclosure of personal information sent or received by Website User.
- 3.3. The processing of personal information; and
- 3.4. How to protect the Company and the Website User from the risks of breach of security and/or unauthorized access to personal information.

4. APPLICABILITY

This policy applies to all Website Users and/or contractors of the Company.

5. INFORMATION OFFICER

- 5.1. The Company duly appoints **SEAN MICHAEL BERMINGHAM** as its Information Officer from **1st May 2024**.
- 5.2. All Website User and/or entities may refer any queries, concerns or information of potential or actual breaches of personal information to the Information Officer.

6. INFORMATION OFFICER RESPONSIBILITIES

- 6.1. To encouragement compliance, by the Company and Website User alike, with the conditions for the lawful processing of personal information;
- 6.2. To handle requests made to the Company pursuant to this Act;
- 6.3. To work with the Regulator (established in terms of the Act) in relation to investigations conducted pursuant to Chapter 6 of the Act in relation to the Company; and
- 6.4. To ensure compliance by the Company with the provisions of POPI; and as may be prescribed.

7. UNDERSTANDING WHAT IS MEANT BY THE TERM “PERSONAL INFORMATION”

- 7.1. Personal information refers to a wide array of data belonging to a natural or juristic person, including but not limited to:
 - 7.1.1. Identity and/or passport number;
 - 7.1.2. Date of birth and age;
 - 7.1.3. Phone number/s (including cellular phone number);
 - 7.1.4. Email address/es;
 - 7.1.5. Physical address;
 - 7.1.6. Postal address;
 - 7.1.7. Age, Gender, Race and Ethnicity;
 - 7.1.8. Photos, voice recordings, video footage (also CCTV), biometric data;
 - 7.1.9. Marital/Relationship status and Family relations;



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- 7.1.10. Criminal record;
- 7.1.11. Private correspondence;
- 7.1.12. Religious or philosophical beliefs including personal and political opinions;
- 7.1.13. Employment history and salary information;
- 7.1.14. Financial information;
- 7.1.15. Education information;
- 7.1.16. Medical history including, blood type, and
- 7.1.17. Membership to organisations/unions.

7.2. The scope of the Act seems narrowed by the definition of personal information, but this is not the truth. One must remember that the types of personal information listed by the Act as set out in the list above is not a closed list of personal information to which the Act will apply. Information not listed above may still be deemed personal information.

8. PROCESSING OF PERSONAL INFORMATION

8.1. The Company is fully compliant with the Act and has invested a lot of resources to ensure that the employees and/or Contractors of the Company understand how to handle a Website User's personal information. All employees and/or Contractors must follow the following guidelines when dealing with the Website User's personal information:

- 8.1.1. The personal information requested must only be used for lawful purposes;
- 8.1.2. The personal information must be processed for a purpose which is adequate, relevant and not excessive;
- 8.1.3. The personal information may only be collected with the Website User's consent. The burden of proof rests with the Website User and/or Contractors, to prove that the information was obtained with the Website User's consent.
- 8.1.4. The Company and Website User and/or Contractors may only collect personal information that is necessary for a specific purpose;
- 8.1.5. Personal information must not be retained longer than necessary, except if it is required by law or is for a lawful purpose related to the Company's functions or activities or it is agreed upon in terms of contractual agreement; and
- 8.1.6. The personal information in the Company's records should be updated as and when the Website User provides new or updated personal information.

9. PROCESING LIMITATIONS

9.1. No Employee and/or Contractors may use the Website User's personal information in any way that may be seen as revealing special information deemed to be insulting, disruptive, or offensive by other persons, or harmful to morale.

9.2. The scope of processing special personal information is further limited by the Act and thereby the Company forbidding any of the following actions:

- 9.2.1. Collection of personal information of minors;
- 9.2.2. Collection of personal information regarding the Website User's religious or philosophical beliefs;



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- 9.2.3. Collection of personal information identifying the Website User's trade union membership or political opinions;
- 9.2.4. Collection of personal Information related to the Website User's sexual life, health, or biometric details;
- 9.2.5. Collection of personal information revealing race or ethnic origin;
- 9.2.6. Collection of personal information revealing criminal record behaviour.

9.3. Unless processing is carried out with the consent of the Website User referred to in clause 8.2:

- 9.3.1. processing must be necessary for the establishment, exercise or defence of a right or obligation in law;
- 9.3.2. processing must be necessary to comply with an obligation of international public law;
- 9.3.3. processing must be for historical, statistical or research purposes to the extent that:
 - 9.3.3.1. the purpose serves a public interest and the processing is necessary for the purpose concerned;
 - 9.3.3.2. it appears to be impossible or would involve a disproportionate effort to ask for consent, and sufficient guarantees are provided for to ensure that the processing does not adversely affect the individual privacy of the Website User to a disproportionate extent;
- 9.3.4. the information must have deliberately been made public by the Website User; or
- 9.3.5. prior authorisation must have been given.

10. DE-IDENTIFYING PERSONAL INFORMATION

- 10.1. The Company has a responsibility to ensure that information that is outdated or no longer needed, is discarded in manner that will no longer identify the Website User. The process will be called de-identifying information.
- 10.2. De-identifying means to delete any information that identifies the Website User's personal information which can be used or manipulated by a reasonably foreseeable method to identify the Website User or can be linked by a reasonably foreseeable method to other information that identifies the Website User.
- 10.3. Archived information records are stored securely on or offsite and a certificate of destruction will be obtained for each archived file/ batch of personal information destroyed.
- 10.4. It is imperative that each and every Employee and/or Contractor takes all the necessary precautions to ensure the abovementioned protocols are adhered to. Should the Company receive any complaints of failure to protect the Website User's information, the claim must be disproved before the Information Officer. The consequence thereof is that the Website User and/or Contractors tasked with handling the specific information will be found guilty of contravening this policy, the penalty thereof could lead to a written warning.
- 10.5. The Company's complaints policy that should be followed in the event of a complaint is as follows:



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- 10.5.1. The complaint must be reported to the Information Officer immediately;
- 10.5.2. The Information Officer must report the complaint to the Director(s);
- 10.5.3. The Website User and/or Contractors implicated must furnish the Information Officer with written representations of the Website User and/or Contractors) statement under oath;
- 10.5.4. The Information Officer will liaise with the Regulator for any further developments regarding the matter.

11. THE WEBSITE USER'S RIGHT TO ACCESS TO PERSONAL INFORMATION

- 11.1. The owner of personal information can request that the Company provide them with the record, or a description of the personal information, the identity of any third party who may have access or had access to their personal information.
- 11.2. The Company has created a request form which must be completed by the Website User requesting the abovementioned access to information. The request form is marked annexure B.

12. FORBIDDEN USES OF WEBSITE USER'S PERSONAL INFORMATION

- 12.1. The Employee or Contractor may not use the Company's access to any Website User's personal information for personal gain on any such purposes as soliciting or proselytizing for commercial ventures, religious or personal causes or outside organizations or other similar, non-job-related solicitations. If the Company discovers that any Employee or Contractor misusing the information available in the Company's systems, that particular Employee and/or Contractor will be subject to disciplinary action, which may include dismissal.
- 12.2. Should an Employee or Contractor be suspected of contravening this policy, the Company may at its sole discretion access any device which the Employee or Contractor uses to conduct business to investigate the matter further.

13. COMPANY'S RIGHT TO ACCESS INFORMATION

- 13.1. The Company respects the individual privacy of its Website User and/or Contractors.
- 13.2. Therefore, the Employee and/or Contractor should not assume that messages or telephone calls are confidential. Back-up copies of e-mail may be maintained and referenced for business and legal reasons.

14. BREACH OF SECURITY/ UNAUTHORISED ACCESS TO INFORMATION

- 14.1. Should the Company experience any security breach, it is required, by law, to notify the Regulator; and the Website User(s) whose information have been affected by the breach, unless the identity of such Website User(s) cannot be established.



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14.2. Therefore, the Employee and/or Contractor should report any known or suspected breach of information to the appointed Information Officer.

14.3. Failure to report the aforementioned breach will subject the Employee and/or Contractor in transgression to disciplinary action, which may include dismissal.

14.4. The Company has established a complaints process to deal with allegations of leaked information. This will be addressed by the Compliance Officer.

15. CORPORATE POLICY GUIDELINE

15.1. ACCEPTABLE USES OF PERSONAL INFORMATION

- 15.1.1. To provide and maintain our website, including monitoring its usage.
- 15.1.2. For the performance of a contract, such as developing and executing purchase agreements for products or services you have acquired.
- 15.1.3. To contact you via email, telephone, SMS, or other forms of electronic communication (including push notifications) regarding updates or informative communications about our service.
- 15.1.4. To provide you with news and general information about other goods, services, or events similar to those you have purchased or enquired about (unless you opt out).
- 15.1.5. To manage your requests and enquiries.
- 15.1.6. For data analysis, identifying usage trends, evaluating promotional campaigns, and improving our service and overall customer experience.
- 15.1.7. To comply with legal requirements or obligations and protect our legitimate interests.

15.2. UNACCEPTABLE USES OF PERSONAL INFORMATION

- 15.2.1. The Employee and/or Contractors may not process the Website User's and/or Contractors's personal without obtaining the requisite consent, following the protocols discussed in this policy and in the Act.

15.3. QUERIES AND CLARIFICATION OF POLICY

- 15.3.1. Where a Website User is uncertain as to the content of this policy or requests further clarification of issues which are addressed in this policy they are required to contact the Compliance Officer for clarification.

16. POSSIBLE OFFENCES

- 16.1. The Employee and/or Contractor must note that should they fail to adhere to this policy, they may be disciplined and/or dismissed and may face action brought by the Information Regulator which may see them liable to face a fine or imprisonment.

Your Rights

A trading division of **DAY I Motor retail (PTY) Ltd**, Reg: 2016 / 299735 / 07, Vat Number:4460193461

Cnr of South and Dartfield road, Sandton, 2031, info@mgsandton.co.za

General Manager Michael Pieterse.

Directors V. Vermaak, G. Vermaak, M. Vermaak



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You have the following rights under section 5 of POPIA:

- To determine whether the Company holds any of your personal information and request access to it;
- To request correction, destruction, or deletion of your personal data;
- To object, on reasonable grounds, to the processing of your personal data;
- To object to the processing of your data for direct marketing purposes;
- To submit a complaint to the Regulator regarding any interference with the protection of your personal data;
- To institute civil proceedings in relation to the protection of your personal data;

You may access, correct, or delete your personal information by emailing us or calling us. We will provide you with the relevant forms upon receipt of your request.

 **MGSandton**

 Info@sandtonmg.co.za

 010 900 0401

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