

# BP Bernstein Pty Ltd

("hereafter also known as BPB or the Company")

## PRIVACY STATEMENT

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## Privacy Statement

In terms of Protection of Personal Information Act (POPIA), a “Responsible Party” (in this case being the Company) has a legal duty to process a “Data Subject’s” personal information (in this case being your personal information and related details) in a lawful, legitimate and responsible manner.

In order to discharge this duty, the Company requires your express and informed permission to process your personal information.

In the event of you refusing to give the required consent, the Company will still have the right, in terms of POPIA, to process your information without your consent under any of the following circumstances:

- where such processing and use of your personal information is necessary in order to give effect to a **contractual relationship** as between you, or your company and BP Bernstein;
- where such processing is **required in terms of a law**, such as without limiting the generality thereof, the Basic Conditions of Employment Act 75 of 1997(BCEA), the Skills Development Act, 97 of 1998(SDA), Skills Development Levies Act, 9 of 1999 (SDLA), the Employment Equity Act, 55 of 1998 (EEA), Unemployment Insurance Contributions Act, 4 of 2002 (UICA), Unemployment Insurance Act, 6 of 2001 (UIF), Financial Advisory And Intermediary Services Act, 37 of 2002 (FAIS), the Financial Intelligence Centre Act 38 of 2001 (FICA), the National Credit Act, 34 of 2005 (NCA) and/ or the Compensation for Occupational Injuries and Diseases Act, 130 of 1993; or
- where such processing is necessary to protect the **legitimate interests** of BP Bernstein or a third party

BP Bernstein Pty Ltd (“BPB”) is committed to protecting personal information that it collects and uses regarding our clients, suppliers, employees, website users, and other respective parties. We are also committed to keeping your personal information confidential, preventing any unauthorised access and storing only as long as is necessary.

## Who we are and how to contact us

Name of Company	B P Bernstein Pty Ltd
Company email	amy@bpbernstein.co.za
Company Tel number	011 4793400
Company Address	Unit 7, 1 The parade on Kloof, Oriel 2007

For more information about our privacy practices, if you have questions, or if you would like to make a complaint, please contact us by e-mail, or by mail using the address details provided above.

## Information we collect

The types of PI we collect depends on our interaction with you such as:

- In relation to the services or products that you purchase or are using from us,
- As a prospective employee or employee
- As a supplier to BPB or as an agent/operator acting under instruction of BPB.

The information may include some or all of the following:

- Contact information - such as name, alias, address, phone number, social media user ID, email address, and similar contact data.
- Bank account details
- Company details – VAT number, billing and postal address, contact information, representatives of the company that will interact with BPB to meet contractual obligations.
- User content – feedback, improvements, suggestions, queries or any other information you send to us, that you provide to us when you contact us.
- Demographic info – such as race, gender
- Identity info
- Career, education, skills qualifications and employment related info

### Mandatory

We bring to your attention that we require your personal information in order to

- conclude a contract with you; and
- comply, report to government and keep records with the applicable labour, tax and financial legislation;.

All Personal Information which you provide to the Company will only be used for the purposes for which it is collected.

### Consequences of Withholding Consent or Personal Information

Should you refuse to provide the Company with the required consent and/ or information, the Company will be unable to assist you with one of the following:

- your employment or
- provide you with the Company's products or services or
- procure products and services from you and make payment for such products and services

### Accuracy of information

POPIA requires that all your personal information and related details supplied, are complete, accurate and up to date. Whilst the Company will always use its best endeavours to ensure that your personal information is reliable, it will be your responsibility to advise the Company of any changes to your personal information, as and when these may occur.

### Sources of info

We collect info directly from you, or from certain 3<sup>rd</sup> parties or other publically available sources:

Directly from you when you do any of the following:

- Sign a contract to subscribe to our products and service,
- When you communicate with us via email, phone, chat, in person or otherwise,
- When you complete a questionnaire, or survey,
- When you express interest in working for us or applying for a job position with us
- Interact with us

### Automatically

- Access, use, or download content from us.
- Open emails or click on links in emails from us.
- Otherwise interact or communicate with us when you request support or send us information.

We also collect info about you from 3<sup>rd</sup> parties such as:

- Service providers and business partners who work with us in relation to our Services.
- Credit bureaus and other similar agencies.
- Government agencies and others who release or publish public records.
- Other publicly or generally available sources, such as social media sites, public and online websites, open databases, and data in the public domain.
- Higher Education Institutions, Professional or industry organisations and certification licensure agencies that provide or publish personal information related to you.

#### How we use the information

First, some laws require us to explain the lawful basis upon which we process your personal information. With respect to these laws, we process personal information about you for one or more of the following legal basis (as provided for in POPIA):

- **To Perform a Contract.** Where the processing is necessary for the performance of contract.
- **Legitimate Interests.** Where the processing is necessary for legitimate interests pursued by us or by a third party, except where such interests are overridden by your interests or fundamental rights and freedoms which require protection of personal information.
- **Your Consent.** Where you have given us consent to process your personal information for specified purposes, such as to provide our Products and Services and other items requested by you.
- **Comply with Legislation.** Where the processing is necessary for compliance with a legal obligation, such as Tax law, Labour Law, Employment Equity Laws, B-BBEE Laws, etc.

#### Processing of Personal Information

We process your personal information in connection with our Products and Services and for other business purposes, including to:

Category of Data Subjects	Type of PI we collect, process and store	Type of Processing
Clients (Individuals)	Full Names & Surname; Contact details (Email & Telephone numbers); Physical and Postal addresses; Date of birth; ID/ Passport number; Tax related info (Tax reference number); Bank account details	<ul style="list-style-type: none"> <li>• to provide products and services to clients,</li> <li>• to transact on behalf of the client and manage its account with BP Bernstein</li> <li>• to administer and manage accounts in line with applicable legislation (FMA, FAIS, FICA, Exchange Rules and Regulations);</li> </ul>
Clients (Juristic entities)	Full Entity Name, trading name if applicable, registration number, SARS VAT number, physical address of operation, Bank account details, ownership details (who owners are and Voting rights %), Contact details (Telephone & Email).	<ul style="list-style-type: none"> <li>• to communicate with the client and provide technical support where required;</li> <li>• to maintain transaction and service records,</li> <li>• to perform credit checks,</li> <li>• to verify clients' authority or identity,</li> <li>• to verify the identity and authority of persons acting on behalf of other persons or entities;</li> </ul>

	<p>For Trusts, we collect the following: Trust registration number, trust deed, letter of authority from the magistrate, Beneficiaries, Trustees &amp; Donor- Names and Surnames &amp; Identity details</p>	<ul style="list-style-type: none"> <li>• to detect and prevent fraud, crime, cybercrime and security breaches, identify market breaches, respond to legal notices, or institute or participate in legal proceedings, and</li> <li>• to comply with legal or regulatory requirements under which BP Bernstein operate or which otherwise apply to BP Bernstein.</li> <li>• Comply with your instructions or to fulfil other, specified purposes for which you have given your consent.</li> <li>• Contact and communicate with you in connection with our Products and Services or other notifications, programs, events, or updates that you may have registered for;</li> <li>• assess risk;</li> <li>• in terms of Financial Intelligence Centre Act 38 of 2001 (“FICA”) BP Bernstein is required to identify, verify and conduct due diligence of the Client before entering into a business relationship or concluding a single transaction with the Client. In order to achieve this, the Client is required to provide certain information to BP Bernstein. The information required from the Client must ensure full compliance with the requisite legislation. The Client undertakes to provide verification of identity and due diligence updated whenever this is required by BP Bernstein. The Client further undertakes to inform BP Bernstein of any changes to the information provided and to provide any additional information or verification of information that may become necessary due to any legislative changes.</li> </ul>
<p>Directors and employees</p>	<p>Full Names; Surname; ID / Passport Number; Date of birth; Tax Number; Gender; Race or ethnicity; Marital Status; Physical home address; Contact details (Telephone - home &amp; cell &amp; email), Alternate email; Bank account details, SARS information (Tax number); Qualification information; medical aid details(if staff have external existing medical aid); disability status</p>	<ul style="list-style-type: none"> <li>• to meet our obligations to perform in terms of employment contracts</li> <li>• to meet the legitimate interests of employees, directors and the company (to pay employees, to register employees with medical aid funds, etc)</li> <li>• to meet all legal obligations as they apply to full-time, part-time employees, contractors, etc</li> <li>• to perform appropriate checks on job history, criminal record, educational/ skills qualifications/ registrations/ licenses as well as credit history, where such is required and is permitted by the NCA</li> </ul>

Prospective employees	Full Names; Surname; ID / Passport Number; Date of birth; Tax Number; Gender; Race or ethnicity; Physical home address; Contact details (Telephone -home & cell & email); Qualification information; disability status	<ul style="list-style-type: none"> <li>• conduct and communicate with you regarding recruiting and human resources administration.</li> <li>• for the purposes of assessing candidates for suitability for the role applied for, ensuring the legitimate interests of the company are met, shortlisting candidates, conducting interviews with candidates and where successful offering an employment of contract.</li> </ul>
Suppliers and other contracted service providers	Juristic entity's name, Registration number, SARS Tax or VAT number, Billing address, Banking details and a contact person's name, contact number and email address	To pay the entity fees due to suppliers, to contact the entity as it relates to the services it provides and to meet tax law obligations as they pertain to invoices and payments
Public and Visitors	Full Names; Surname; ID / Passport Number; Contact details (Telephone -home & cell & email)	For the purposes of security to company personnel and buildings, COVID-19 management, OSH Act compliance (in cases of emergency such as fire, flood, etc)

#### Automated Decision Making

BP Bernstein does not subject any data subject to automated decision-making.

#### Other forms of processing that may occur:

- Detect and prevent fraud and abuse to ensure the security and protection of all customers and others, as well as to identify and authenticate your access to our Products and Service or to identify and authenticate you before we provide you with certain information.
- Exercise our rights and to protect our and others' rights and/or property, including to take action against those that seek to violate or abuse our Products and Services.
- Comply with the law and our legal obligations, including to respond to a request or order from a court, regulator, or authority, as well as to fulfil our contractual obligations with our customers when they arrange access to our Products and Services for you.

#### How we share information

As a rule we do not share your personal information with anyone for any reason other than where we do so for the purposes set out in this Privacy Statement as set out below:

- Copies of all BP Bernstein's client mandates & FICA documents are shared with our outsourced verification provider (Computershare) who is a Financial services provider, regulated by the FSCA and bound by the rules regarding POPIA.
- Other Third Party Service Providers. We may share your personal information with our third party service providers to perform tasks on our behalf and to assist us in offering, providing, delivering, analysing, administering, improving, and personalising our Products and Services.

- User content: If you choose to include your personal information in any reviews, comments, or other posts that you create, then that personal information may be displayed to other users as part of your posting.
- In the Event of Merger, Sale, or Change of Control. We may transfer this Privacy Statement and your personal information to a third party entity that acquires or is merged with us as part of a merger, acquisition, sale, or other change of control (such as the result of a business rescue proceeding).
- Other Disclosures. We may disclose your personal information to third parties if we reasonably believe that disclosure of such information is helpful, to enforce our terms and conditions or other rights (including investigations of potential violations of our rights), to detect, prevent, or address fraud or security issues, or to protect against harm to the rights, property, or safety of the organisation, our users, or the public.
- Finally, we may also share your Personal Information to comply with applicable laws and regulations, to respond to a subpoena, search warrant or other lawful request for information we receive, or to otherwise protect our rights.

#### Cross border flows

We do not transfer any personal information outside South Africa, however if we were required to do so, we will ensure that the information is transferred in accordance with this Privacy Statement and as permitted by applicable data protection laws that require the recipient entity in a foreign country to at least meet the minimum requirements as set out in POPIA.

#### Security of information

The security of your personal information is important to us. Taking into account the nature, scope, context, and purposes of processing personal information, as well as the risks to individuals of varying likelihood and severity, we have implemented technical and organisational measures designed to protect the security of personal information.

All Personal Information which you provide to the Company will be held and/ or stored securely for the purpose as stated above. Client information is kept safe in a storeroom to which only authorised BPB staff have access to. Storage will be secure and audited regularly regarding the safety and the security of the information.

Where we transfer personal information to an Operator or 3<sup>rd</sup> party service provider, we request that they treat your personal information as confidential and only be used for the purpose in terms of the agreement signed between BPB and the operator or 3<sup>rd</sup> party service provider. We also request that they at least have similar to BPB's technical and organisational measures designed to protect the security of personal information.

Where data is stored electronically outside the borders of South Africa, such is done only in countries that have similar privacy laws to our own or where such facilities are bound contractually to no lesser regulations than those imposed by POPIA.

However, please note that no method of transmission over the Internet or method of electronic storage is 100% secure. Therefore, while we strive to use commercially acceptable measures designed to protect personal information, we cannot guarantee its absolute security.

Our security procedures also means that we may request proof of identity before we disclose personal information to you or before we process your other requests.

In the event of a data breach, where personal information of data subjects has been compromised and it is envisaged that some harm could be caused to you, BP Bernstein shall promptly inform the data subject should the personal information be unlawfully accessed,

disclosed, destroyed and processed and shall report the breach to the affected individual(s) and the Information Regulator. BP Bernstein will, where reasonably practical and applicable provide the affected data subjects with details of the breach, when it occurred, the measures employed to identify the source of the breach and to prevent further breach.

### Retention of information

We calculate retention periods based upon and reserve the right to retain personal information for the periods that the personal information is needed to:

- fulfil the purposes described in this Privacy Statement,
- meet the timelines determined or recommended by regulators, professional bodies, or associations,
- comply with applicable laws, legal holds, and other legal obligations (including contractual obligations), and
- comply with your requests.

Once this information is no longer required, due to the fact that you no longer need the Company to perform its obligations in terms of the agreed mandate such personal information will be safely and securely archived for a period of at least 5 years, or longer, as this is the minimum period required by most legislation applicable in South Africa. Thereafter, all your Personal information will be permanently destroyed.

### Children's privacy

Our Products and Services are intended for professionals and/or individuals over eighteen (18) years of age. We do not target children and do not knowingly collect any personal information from children under the age of eighteen(18)

In the case where an account is opened for children under 18 (minors), we ensure that a competent person provides the necessary consent on behalf of the minor.

### Direct Marketing

We do not engage in any direct marketing practices.

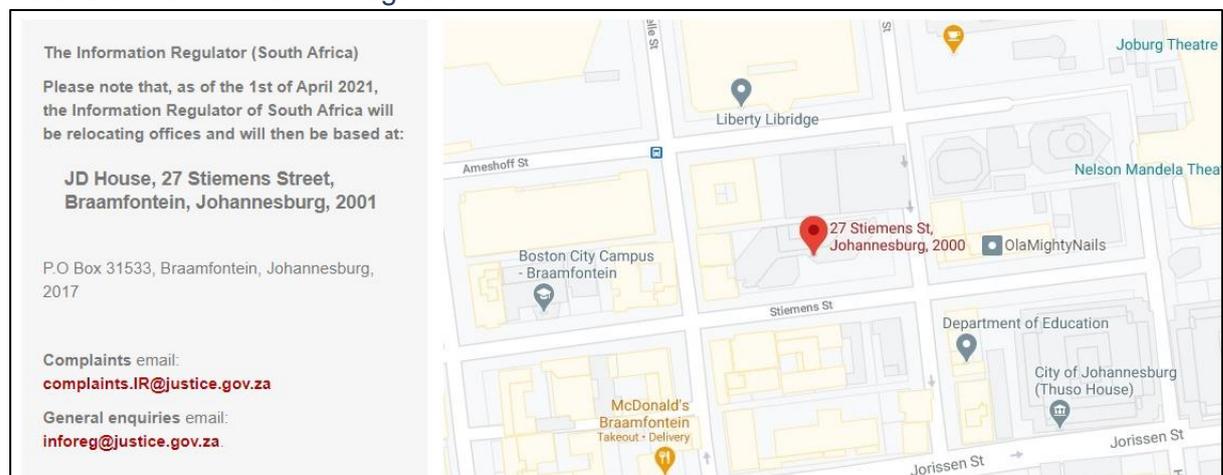
### Your Rights concerning your personal information

What rights may be available to me?

- **Access to Personal Information.** You may have the right to obtain confirmation from us that we process your personal information and, if so, you may have the right to request access to your personal information. Please note that, to the extent permitted by law, we may charge a reasonable fee based on administrative costs for the first or further copies of your personal information requested by you.
- **Correction.** You may have the right to request that we correct inaccurate personal information concerning you and, depending on the purposes of the processing, you may have the right to have incomplete personal information completed.
- **Deletion/Destruction.** You may have the right to require us to destroy some or all of the personal information concerning you.
- **Restriction of Processing.** You may have the right to require us to restrict the further processing your personal information. In such cases, the respective information will be marked as restricted, and may only be processed by us for certain purposes.

- **Object.** You may have the right to object in the prescribed manner to the Company, on grounds relating to your particular situation to the processing of your personal information by us, and we may be required to no longer process some or all of your personal information. On receipt of your objection the Company will place a hold on any further processing until the cause of the objection has been resolved.
- **Withdraw Consent.** You may have the right to withdraw consent you have provided to us where we rely solely on your consent to process your personal information. You can always provide your consent to us again at a later time.
- **Right to Complain.** You may have the right to lodge a complaint with the Information Officer of the Company or to the Information Regulator if you are not satisfied with our responses to your requests or how we manage your personal information.

### Details of the Information Regulator



### How do I submit a request?

To make a request or exercise your rights, please access our PAIA Manual, which is available on request at our office, which sets out the relevant information, procedure to follow, forms to complete, and applicable fees, amongst other information.

When you make a request, we ask that you help us with the following:

- **Let us know Which Right You Are Exercising:** Please specify which right you want to exercise and the personal information to which your request relates (if not to you). If you are acting on behalf of another individual, please clearly indicate this fact and your authority to act on such person's behalf.
- **Let us know More about Your Relationship with Us:** Please let us know how you are associated with us, such as that you use certain Products and Services of ours or that you were a former employee.
- **Help Us Verify Your Identity:** As mentioned above, our security procedures mean that we may request proof of identity before we disclose personal information to you or before we process your other requests. Provide us enough information to verify your identity. If we cannot initially verify your identity, we may request additional information to complete the verification process (such information may include your picture, a copy of your driver's license or other government-issued ID

and/or a recent utility bill). Please note that if we cannot verify your identity, we may not be able to fulfil your request. Any personal information you disclose to us for purposes of verifying your identity may be shared with our third party service providers and/or third parties (like your phone carrier) or government agencies for the purpose of verification.

- **Direct Our Response Delivery:** Depending on your request, we will provide a response to you via email or through a link to access certain information. If you prefer to receive our response in another way, then please let us know your preferred delivery mechanism to receive our response. You may specify, for example, email, mail, or through your account (if you have one with us).

#### Changes and Conflicts

We may update this privacy policy from time to time to reflect, for example, changes to our practices or for other operational, legal or regulatory reasons. We reserve the right to amend this Privacy Statement at any time, for any reason, and without notice to you other than the posting of the updated Privacy Statement on our Services.

If there is any conflict between the English version of our Privacy Statement and a version translated in another language, the English version controls.