

## POPI COMPLIANCE AND PRIVACY NOTICE

### 1. INTRODUCTION

The right to privacy is an integral human right recognised and protected in the South African Constitution and the Protection of Personal Information Act 4 of 2013 ("POPIA").

POPIA aims to promote the protection of privacy by providing guiding principles that are intended to be applied to the processing of personal information in a context-sensitive manner.

Through the provision of quality goods and services, the organisation is necessarily involved in the collection, use and disclosure of certain aspects of the personal information of clients, customers, employees and other stakeholders.

A person's right to privacy entails having control over his or her personal information and being able to conduct his or her affairs relatively free from unwanted intrusions.

The aim of this compliance and privacy notice is to demonstrate our commitment to safeguarding your personal information and to notify you how and why we collect information from you, the way we use your information and how we share or disclose your information, as required in terms of the Protection of Personal Information Act ("POPI Act").

This Notice provides you with the following information:

- Our commitment to compliance;
- A Summary of the compliance measures implemented;
- A notification on the collection of personal information and how we use the information;
- Your rights as a data subject;
- How to contact us in relation to this notice.

### 2. OVERVIEW OF COL'CACCHIO HOLDINGS

"We" are Col'Cacchio PTY LTD, and "us" and "our" have a corresponding meaning herein.

We are a private company incorporated in accordance with the laws of the Republic of South Africa, Col'Cacchio (Pty) Ltd Co Reg No: 2003/000994/07 and its affiliated group companies, or any of them, as the context requires, as well as our assignees and successors in title.

Our principal place of business is at 1st Floor The Hudson, 30 Hudson Street, De Waterkant, Cape Town, South Africa. We recommend you contact us via our Information Compliance Office via email [russell@colcacchio.co.za](mailto:russell@colcacchio.co.za).

### 3. COMMITMENT TO COMPLIANCE WITH POPI

Given the importance of privacy, Col'Cacchio Holdings is committed to effectively managing personal information in accordance with POPIA's provisions. To meet the requirements of POPI, Col'Cacchio Holdings has drafted a POPI Risk Management and compliance programme or framework which includes:

- Development and implementation of Information processing plan and procedures, including the safeguards of personal information required under POPI
- Development and implementation of a compliance monitoring plan
- Appointment of Information Officer
- Delegation of duties to staff and training on their duties
- Development of disclosures and client POPI engagement processes
- Documentation of relationships with third parties on the sharing of personal information and/or service agreements for the outsourcing of certain POPI obligations

### 4. PRIVACY STATEMENT

Col'Cacchio Holdings respects your right to privacy and is committed to safeguarding your personal information when processing your personal information in terms of the Protection of Personal Information Act (POPIA).

This privacy statement applies to natural and juristic persons whose personal information is processed by Col'Cacchio Holdings, including our customers, services providers, suppliers, employees and applicants for employment. In instances where Col'Cacchio Holdings processes personal information as an operator for a responsible party in terms of a contract or mandate, we encourage you to read and understand that particular responsible party's privacy notice.

Our privacy statement outlines our policy surrounding the protection and processing of your personal information and our commitment to comply with the conditions set out in the Protection of Personal Information Act (POPIA) when collecting, recording, storing, disseminating, and destroying personal information, and responding to government requests for our data subjects:

- I. In our capacity as the responsible party, we shall inform you that we shall be processing

personal information, the purpose or reasons for the collection of personal information and we shall endeavour to obtain information directly from you upon your consent or if we can demonstrate a justifiable reason for collecting personal information;

II. We shall process information for a specific, lawful reason and only adequate, relevant information which is limited to the purposes for which they are processed and which relates to the functions or the activity for which it is intended;

III. We shall delete or otherwise de-identify your personal information after the minimum storage periods required under our risk and statutory record keeping periods have expired. IV. We shall take reasonable steps to ensure personal information obtained from our data subjects or third parties is complete, accurate, not misleading and updated where necessary. V. We take measures to ensure data is kept safe and prevent loss of, damage to, or unauthorized destruction of personal information, and unlawful access to or processing of personal information.

VI. We undertake to review and update our security measures in accordance with future legislation and technological advances.

VII. Col'Cacchio Holdings is obligated to inform the Information Regulator and the affected data subject if there is a breach of personal information. We shall aim to assist in minimising any losses that may result from such a breach in security.

VIII. We shall not contact/solicit you unless you have given us your consent to do so; IX. We shall implement the necessary measures that will give effect to your rights as a data subject as provided in terms of POPIA.

## 5. COLLECTION AND PROCESSING NOTIFICATION

This notification applies to natural and juristic persons (which includes) customers, suppliers, service providers, employees and applicants for employment whose personal information is processed by the group in its capacity as a responsible party.

Col'Cacchio Holdings collects personal information directly from you where you provide us with your details. In addition to the aforementioned, we shall, subject to your consent, or to execute our service agreement with you, obtain further information required from third parties and other sources where necessary.

In the provision of goods and services, we process personal information as follows:

<p>Source of information</p>	<p>Col'Cacchio Holdings collects personal information in several ways which include but are not limited to:</p> <ul style="list-style-type: none"> <li>● Online submission through our website;</li> <li>● Correspondence via e-mail;</li> <li>● Completion of paper-based information sheets;</li> <li>● Electronic-based information sheets;</li> <li>● Submission of paper-based information;</li> <li>● Phone calls which content is entered into records;</li> <li>● Mobile applications (Col'Cacchio app)</li> <li>● Social media platforms.</li> </ul> <p>Col'Cacchio Holdings collects information directly from you where you provide us with your details or if personal information is available in public records. In addition to the aforementioned, we may obtain information from third parties subject to your consent.</p> <p>The personal information provided by you may be processed across the group to ensure efficient interaction with Col'Cacchio Holdings. Such information is processed, stored and retained through the group's shared data technology platform.</p>
<p>Purpose of processing information</p>	<p>Col'Cacchio Holdings shall collect personal information for a specific, explicitly defined and lawful purpose that relates to the function or the activity of our organisation for which it was intended. The information collected by Col'Cacchio Holdings may be used, transferred, stored, disseminated, shared or processed for the following purposes:</p> <p>Customers:</p> <ul style="list-style-type: none"> <li>● To provide goods and services to our customers ( for instance to collect orders and provide you with goods);</li> <li>● Informing customers of products or services;</li> <li>● Managing our Col'Cacchio mobile application;</li> <li>● Monitoring the use of the Col'Cacchio mobile application to improve services;</li> </ul>

- Administration of our loyalty programme;
- Issuing gift cards on customer requests;
- To communicate and manage our relationship with you;
- To respond to enquiries and complaints from customers;
- For record keeping purposes;
- To protect and enforce rights and remedies in terms of legislation and governing law;
- Provide newsletters;
- To analyse complaints and suggestions from customers for services delivery and provisions of goods;
- To process refunds on goods;
- To process and accepting payments;

#### Franchisees:

- To licence a business partner as a franchisee;
- To fulfil our obligations and provide guidance to business partners and franchisee;
- Provide support.

#### Service providers & suppliers:

- Obtain quotes and services proposal for the delivery of services or provisions of goods;
- For processing payments of invoices;
- Liaising with the service provider or suppliers on the services to be rendered in terms of the agreement with the service provider or supplier

#### Applicants for employment:

- To determine whether the application is suitable for the position applied;
- Credit and criminal check(subject to consent);
- Contacting previous employers to obtain references concerning the job seekers employment history and performance

	<p>Employees:</p> <ul style="list-style-type: none"> <li>● To maintain the employer and employee relationship;</li> <li>● Comply with obligations imposed on the employer in terms of the South African conditions of employment legislation framework;</li> <li>● Administration of employee benefits;</li> <li>● Administration and submission of statutory submission and payments such as tax, UIF etc;</li> <li>● Payment of salaries;</li> <li>● Resolving labour disputes.</li> </ul> <p>General:</p> <ul style="list-style-type: none"> <li>● To detect and prevent fraud, crime and money laundering and other forms of malpractice;</li> <li>● To protect and enforce rights and remedies in terms of legislation and governing law;</li> <li>● For purposes of research, analytical and statistical purposes;</li> <li>● For the collection of debt, recovering unpaid monies;</li> <li>● To comply with legal obligations.</li> </ul>
<p>Voluntary/Mandatory provision of information</p>	<p>The Data subject provides the information on a voluntary basis and understands that certain information is mandatory for the purpose of administration of the Responsible party-Data subject relationship.</p>
<p>The requirement to process in terms of legislation</p>	<p>Col'Cacchio Holdings may process information to comply with legislative requirements which include:</p> <ul style="list-style-type: none"> <li>● Compliance with regulatory and legislative requirements such as FICA, BCEA etc;</li> <li>● Compliance with reporting requirements;</li> <li>● Record keeping requirements;</li> <li>● Prevention of money laundering, terrorist financing, fraud, corruption, tax evasions and other crimes;</li> </ul>
<p>Consequences of failure to provide information</p>	<p>Failure to provide the information will result in the Responsible party failure to comply with the requirements in terms of the service agreement and legislative requirements.</p>
<p>Cross border transfer</p>	<p>Where necessary information may be shared with organisations outside South Africa for legitimate purposes who subscribe to similar personal information protection laws. Information shall not be shared with countries that do not subscribe to personal information protections laws unless the Responsible party has entered into an agreement in terms of which the third party subscribes to the</p>

	obligations for lawful processing of personal information.
Recipients of personal information	<p>The Responsible Party shall only share information outside of the group in the following circumstances:</p> <ul style="list-style-type: none"> <li>● Government institutions to comply with the Responsible party's obligations in terms of the various legislation that regulates the Responsible party-data subject party relationship.;</li> <li>● Services providers that assist the Responsible party to administer or manage the service agreement between the Parties or necessary to assist the Responsible Party to meet its legal and contractual obligations to the data subject;</li> <li>● Franchisee or business partners for the purpose of maintaining the responsible party and data subject party relationship;</li> <li>● If it is necessary to protect Col'Cacchio Holdings legal rights and interests.</li> </ul> <p>Access to data subject personal information from within the group is limited to essential staff or specialist contractors that are required to access our systems for client service or maintenance purposes, who are bound by the requirements of the legislation and are required to maintain safety and security measures.</p>
Nature and category of information	<p>Col'Cacchio Holdings does not collect and process the special personal information unless it is a requirement by law to process such information as part of our service delivery, in which case we shall obtain consent from you before collection thereof. We do not knowingly collect personal information from children (under 18 years of age) without the permission of their parent/s or guardian.</p>

## 6. MARKETING AND PROMOTION

Col'Cacchio Holdings shall not process personal information of a data subject for the purposes of direct marketing by any form of electronic communication unless Col'Cacchio Holdings has obtained consent from the data subject or if the data subject is a customer of Col'Cacchio Holdings

If a customer submits personal information, by using our website, mobile application, electronic mail or telecommunications, in the contexts of the sale of products or services, Col'Cacchio Holdings may process personal information for the purpose of direct marketing to market Col'Cacchio Holdings own or similar products or services. A customer will always be given a reasonable opportunity to object to the use of electronic details at the time when the data was collected and on the occasion of each communication.

## 7. YOUR RIGHTS AND RESPONSIBILITIES

### 7.1 Your rights

A data subject has a right to object to the use of personal information or complain about instances where any of their rights under POPIA has been infringed upon. In certain instances failure to provide us with personal information may result in the inability to deliver said services or goods to you, alternatively, you shall receive limited services or we shall not be able to enter into a business or employment relationship with you, as the case may be.

In addition to the aforementioned right, you have the right to request access to personal information and, where necessary, that the personal information held by Col'Cacchio Holdings must be corrected, destroyed or deleted.

### 7.2 Your responsibilities

To ensure that at all times has the correct information of the person to whom the personal information relates (the data subject), we require our data subjects to supply us with information that is complete, accurate, and not misleading and to inform Col'Cacchio Holdings when their personal information changes. If a data subject submits personal information, or a record thereof, through our website, mobile application, social platforms, by using email or via telephonic communication you are responsible to read and herewith acknowledge that you understand the terms of this POPI Compliance and Privacy notice and gives Col'Cacchio Holdings consent to process and further process personal information as explained in this notice.

## 8. DATA SUBJECT ENGAGEMENT PROCEDURES

Access to information requests can be made by email, addressed to the Information Officer. The Information Officer will provide the data subject with the prescribed form. Once the completed form has been received, the Information Officer will verify the data subject's identity before handing over any personal information. All requests will be processed and considered against the organisation's PAIA Policy, recordkeeping policies and any other requirements in terms of the law.

Col'Cacchio Holdings takes all complaints very seriously and will address all POPI related complaints in accordance with the following procedure:

- POPI complaints must be submitted to the organisation in writing. Where so required, the Information Officer will provide the data subject with a "POPI Complaint Form".
- The Information Officer will provide the complainant with a written acknowledgement of receipt of the complaint.



- The Information Officer will carefully consider the complaint and amicably address the complainant's concerns. In considering the complaint, the Information Officer will endeavour to resolve the complaint in a fair manner and under the principles outlined in POPIA.
- Where the data subject is not satisfied with the Information Officer's suggested remedies, the data subject has the right to complain to the Information Regulator.

The Information regulator's contact details are as follows:

**Complaints email:** [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

**General enquiries email:** [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za)

JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

P.O Box 31533, Braamfontein, Johannesburg, 2017

Should you have any questions relating to this notice, you can contact the Information Officer. Our Information Officer is: Russell Otty; Chief Operating Officer  
Email: [russell@colcacchio.co.za](mailto:russell@colcacchio.co.za)

## 8. POLICY CHANGES

This notice was last revised on 07 July 2021. Any material changes hereto will be published on our website or distributed to clients in writing. Your continued use of our services following the update means that you accept Col'Cacchio Holdings updated notice.

# COLCACCHIO

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**DIRECTORS** Kinga Baranowska | Michael Terespolsky | Greg Mommsen\* \*non-executive

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