

SM Xulu Privacy Policy

PLEASE READ THIS POLICY BEFORE BROWSING THIS WEBSITE OR USING OUR SERVICES. YOUR CONTINUED USE OF THIS WEBSITE INDICATES THAT YOU HAVE BOTH READ AND AGREED TO THE TERMS OF THIS PRIVACY POLICY. UNFORTUNATELY, YOU CANNOT USE THIS WEBSITE IF YOU DO NOT ACCEPT THIS POLICY.

1. Introduction

- 1.1 This Privacy Policy applies to your use of the website located at <http://smxulu.co.za> (the "Website").
- 1.2 You will be required to accept any changes to this Privacy Policy prior to continuing to use the Website.

2 Privacy Policy

- 2.1 For the purposes of this section, Personal Information will be understood in accordance with the definition provided in the Protection of Personal Information Act 4 of 2013 ("the Act") and in accordance with the definition of Personal Data in Article 4(1) of the General Data Protection Regulation GDPR (EU) 2016/679. We also subscribe to the principles for electronically collecting Personal information outlined in the Act, and the further legislation referred to therein. We endeavour to ensure the quality, accuracy and confidentiality of Personal Information in our possession.
- 2.2 In adopting this Privacy Policy, we wish to balance our legitimate business interests and your reasonable expectation of privacy. Accordingly, we will take all reasonable steps to prevent unauthorised access to, or disclosure of your Personal Information.
- 2.3 Users may be prompted to provide the following information (Personal Information):

- 2.3.1 First name;
 - 2.3.2 Last name;
 - 2.3.3 Email address; and
 - 2.3.4 Contact number.
- 2.4 We take our users' privacy seriously and as such, we will attempt to limit the types of Personal Information we process to only that to which you consent to (for example, in the context of online registration, newsletters, message boards, surveys, polls, professional announcements, SMS, MMS and other mobile services), but, to the extent necessary, your agreement to this Privacy Policy constitutes your consent as contemplated in section 69 of the Act and/or Article 7 of the GDPR (whichever is applicable). Where necessary, we will seek to obtain your specific consent in future instances should we deem same required by law and where your consent herein might not be lawfully sufficient.
- 2.5 We will not collect, use or disclose special or sensitive information (such as information about racial or ethnic origins or political or religious beliefs, where relevant) except with your specific consent or in the circumstances permitted by law.
- 2.6 By agreeing to the terms contained in this Privacy Policy, you consent to the use of your Personal Information in relation to:
- 2.6.1 Contacting you, and responding to any queries or requests you may have;
 - 2.6.2 The provision and performance of services;
 - 2.6.3 Informing you of changes made to our Website and this Privacy Policy;
 - 2.6.4 Developing a more direct and substantial relationship with you;

- 2.6.5 Understanding general user trends and patterns so that we can develop and support existing and ongoing marketing strategies;
 - 2.6.6 For security, administrative and legal purposes; and
 - 2.6.7 The creation and development of market data profiles which may provide insight into market norms, practices and trends to help us improve our offering to you. Such information will be compiled and retained in aggregated form but shall not be used in any way which may comprise the identity of a user.
- 2.7 Although absolute security cannot be guaranteed on the internet, we place great importance on the security of your Personal Information and have in place technical and organisational security measures to protect your Personal Information against accidental or intentional manipulation, loss, misuse, destruction, or against unauthorised disclosure or access to the information we process.
- 2.8 We will continue to maintain and improve these security measures over time in line with legal and technological developments in order to protect any unauthorised access to your Personal Information.
- 2.9 We store your Personal Information ourselves or transfer to, and store your Personal Information on, a central database. If the location of the central database is located in a country that does not have substantially similar laws which provide for the protection of Personal Information, we will take the necessary steps to ensure that your Personal Information is adequately protected in that jurisdiction by means of ensuring that standard data protection clauses are enforced as envisaged by the Act or the GDPR.
- 2.10 Your information will not be stored for longer than is necessary for the purposes described in this Privacy Policy or as required by applicable legislation or law.

- 2.11 The Personal Information we collect from you shall only be accessed by our employees, representatives and consultants on a need-to-know basis, and subject to reasonable confidentiality obligations binding such persons.
- 2.12 We may also share your Personal Information when necessary, with the following category of persons or entities:
- 2.12.1 IT consultants;
 - 2.12.2 Providers of website development services;
 - 2.12.3 Advisors, such as accountants and lawyers; and/or
 - 2.12.4 Service providers required to provide the services to you.
- 2.13 We constantly review our systems and data to ensure the best possible service to our users. We do not accept any users, or representatives of users, under the age of majority in your relevant territory or who otherwise do not have the relevant capacity to be bound by this Privacy Policy.
- 2.14 We will not sell, share, or rent your Personal Information to any third party without your consent or use your Personal Information for unsolicited communications.
- 2.15 The Personal Information provided by you is necessary in order that we may provide the requisite services to you, and failure to provide such Personal Information may render us unable to provide such services.

3 Your Rights

- 3.1 Users have the right:
- 3.1.1 of access to their Personal Information stored and processed by us. This may be done by emailing us at the address referred to in clause 7.5.3 below;

- 3.1.2 to the rectification of Personal Information that we hold on a user's behalf, in instances where such Personal Information is incorrect or incomplete;
- 3.1.3 of erasure of Personal Information ("right to be forgotten") if such information is no longer needed for the original processing purpose, alternatively if a user withdraws their consent and there is no other reason or justification to retain such Personal Information, further alternatively, if a user has objected to such Personal Information being processed and there is no justified reason for the processing of such Personal Information;
- 3.1.4 to restrict/suspend processing of Personal Information to only that which is strictly necessary for us to perform our services to you;
- 3.1.5 if we breach any of the terms of this Privacy Policy, to complain to the requisite data protection authority in their territory;
- 3.1.6 to withdraw consent at any time, if processing of Personal Information is based on consent;
- 3.1.7 to object to processing of Personal Information, if such processing is based on legitimate interests; and
- 3.1.8 to object to the processing of Personal Information for direct marketing purposes.

4 Log Files

- 4.1 As with all websites, when you visit our Website, even if you do not create an account, we may collect information, such as your IP address, the name of your ISP (Internet Service Provider), your browser, the website from which you visit us, the pages on our website that you visit and in what sequence, the date and length of your visit, and other information concerning your computer's operating

system, language settings, and broad demographic information. This information is aggregated and anonymous data and does not identify you specifically. However, you acknowledge that this data may be able to be used to identify you if it is aggregated with other Personal Information that you supply to us. In this regard, however, and as recorded, only with a user's consent and subject strictly to the terms of this Privacy Policy will a user's information be transferred and/or shared, and currently same is only being used within our company on a need-to-know basis. Any individually identifiable information related to this data will never be used in any way different to that stated above, without your explicit consent.

5 Cookies

5.1 We may use cookies on the Website. A cookie is a small piece of information stored on your computer or smart phone by the web browser. The two types of cookies used on the Website are described below:

5.1.1 "Session cookies": These are used to maintain a so-called 'session state' and only lasts for the duration of your use of the Website. A session cookie expires when you close your browser, or if you have not visited the server for a certain period of time. Session cookies are required for the Platform to function optimally, but are not used in any way to identify you personally.

5.1.2 "Permanent cookies": These cookies permanently store a unique code on your computer or smart device hard drive in order to identify you as an individual user. No Personal Information is stored in permanent cookies. You can view permanent cookies by looking in the cookies directory of your browser installation. You may delete or reject permanent cookies, but this may affect the availability and/or functionality of the services of the Website to you. These permanent cookies are not required for the Website to work, but may enhance your browsing experience.

6 Links from the Website

- 6.1 The Website may contain links to other third party websites, including (without limitation) social media platforms ("Third Party Websites"). If you select a link to any Third Party Website, you may be subject to such Third Party Website's terms and conditions and/or other policies, which are not under the control, nor responsibility, of ourselves.
- 6.2 Hyperlinks to Third Party Websites are provided "as is", and we do not necessarily agree with, edit or sponsor the content on Third Party Websites.
- 6.3 We do not monitor or review the content of any Third Party Website. Opinions expressed or material appearing on such websites are not necessarily shared or endorsed by us and we should not be regarded as the publisher of such opinions or material. As such, we are not responsible for the content of such Third Party Websites.
- 6.4 We do not accept any responsibility for any loss or damage in whatever manner, howsoever caused, resulting from your disclosure to third parties of personal information.

7 Application of The Electronic Communications and Transactions Act 25 Of 2002 ("ECT Act")

- 7.1 Data Messages (as defined in the ECT Act) will be deemed to have been received by us if and when we respond to the Data Messages.
- 7.2 Data Messages sent by us to a user will be deemed to have been received by such user in terms of the provisions specified in section 23(b) of the ECT Act.
- 7.3 We acknowledge that electronic signatures, encryption and/or authentication are not required for valid electronic communications between users and us.
- 7.4 Users warrant that Data Messages sent to us from any electronic device, used by such user from time to time or owned by such user were sent and or authorised by such user, personally.

7.5 Information to be provided in terms of section 43(1) of the ECT Act:

7.5.1 This Website is owned and operated by SM Xulu Inc, registration number 2010/012617/21.

7.5.2 Address for service of legal documents: F16 & F17 Pinewood Office Park, 33 Riley Road, Woodmead, Gauteng, 2080, South Africa.

7.5.3 Email address: info@smxulu.co.za.