

PRIVACY NOTICE - PROTECTION OF PERSONAL INFORMATION

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Responsible Business Unit	Compliance & Senior Management

PRIVACY NOTICE – PROTECTION OF PERSONAL INFORMATION ACT (“POPIA”)

We understand that your personal information is important to you and that you may be apprehensive about disclosing it. Your privacy is just as important to us and we are committed to safeguarding and processing your information in a lawful manner.

We also want to make sure that you understand how and for what purpose we process your information. If for any reason you think that your information is not processed in a correct manner, or that your information is being used for a purpose other than that for what it was originally intended, you can contact our Information Officer.

You can request access to the information we hold about you at any time and if you think that we have outdated information, please request us to update or correct it.

S&A's Information Officer's Contact Details	
Name & Surname:	Shainal Sukha
Contact Number:	021 003 9277
Email Address:	informationofficer@sukha.co.za

Our details

Sukha and Associates (Pty) Ltd (“S&A”) is an authorised financial services provider with FSP number: 42932 and holds a category I FSP licence.

- Physical Address: Spaces, 4th Floor, Sunclare Building, 21 Dreyer Street, Claremont, Cape Town, 7708
- Telephone Number: 021 003 9277

The source of collection of your personal information

S&A's Protection of Personal Information (“POPI”) policy governs the processing of your personal information. You may view the POPI policy by contacting the Information Officer via email on informationofficer@sukha.co.za.

“Personal Information” is defined in the Protection of Personal Information Act (Act no. 4 of 2013) (“POPIA”) as follows:

“Information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:

- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language, and birth of the person;*
- (b) information relating to the education or the medical, financial, criminal, or the employment history of the person;*
- (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other particular assignment to the person;*
- (d) the biometric information of the person;*
- (e) the personal opinions, views, or preferences of the person;*
- (f) 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;*
- (g) the views or opinions of another individual about the person; and*
- (h) 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.”*

The type of information that S&A collects will depend on the purpose for which it is collected and used. We will only collect information that we need for that purpose.

We collect information directly from you where you provide us with your personal details, for example when you contract with us to provide you with investment consulting services or when you submit enquiries to us or contact us. Personal information is collected directly from you through the completion of client on-onboarding forms, online forms and during client meetings or consultations. These forms are completed either electronically or in hard copy. You may also be

requested to provide your personal information during S&A meetings. Where possible, we will inform you what information you are required to provide to us and what information is optional.

We may also indirectly collect information about you from other sources such as our website. Usage information is collected using “cookies”, which allows us to collect standard internet visitor usage information.

Laws authorising or requiring collecting of the personal information

As an authorised financial services provider, we are obligated in terms of the following legislation to collect your personal information insofar as it relates to the rendering of the relevant financial services to you. These laws include but are not limited to the below and includes their applicable Regulations, Notices and Directives:

- Financial Advisory and Intermediaries Services Act 37 of 2002;
- Financial Intelligence Centre Act 38 of 2001;
- Income Tax Act, 1962;
- Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004;
- Basic Conditions of Employment Act, 1997;
- Occupational Health and Safety Act, 1993;
- Companies Act, 2008;
- Compensation of Occupational Injuries and Diseases Act, 1993;
- Skills Development Act, 1998;
- Disaster Management Act, 2002;
- Tax Administration Act, 2011;
- Employment Equity Act, 1999;
- Value Added Tax Act, 1991. Insurance Act 18 of 2017;
- Long-Term Insurance Act 52 of 1998.

S&A could also be a data operator, as defined in POPIA, rather than a Responsible Party, in which case the processing of information at S&A will be done in accordance with our agreement with the Responsible Party.

Purpose for processing your information

“Processing” is defined in POPIA as follows:

“Any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including:

- (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation, or use;*
- (b) dissemination by means of transmission, distribution or making available in any form; or*
- (c) merging, linking, as well as restriction, degradation, erasure or destruction of information;”*

We collect, hold, use and disclose your personal information mainly to provide you with access to the services and products that we provide. We will only process your information for a purpose you would reasonably expect, including:

- To establish a legal relationship with you;
- Complying with the obligations contained in the contract concluded between yourself and S&A;
- Providing you with advice, products and services that suit your needs as requested;
- To populate the client account information required for on boarding and on-going compliance monitoring in terms of the Financial Intelligence Centre Act, 38 of 2001 and our risk management and compliance programme;
- For the detection and prevention of fraud, crime, money laundering or other malpractice;
- To conduct market research or for statistical analysis;
- For audit and record keeping purposes;
- In connection with legal proceedings or for any other lawful purpose;
- We will also use your personal information to comply with legal and regulatory requirements or industry codes that apply to us, or when it is otherwise allowed by law.

Some of your information that we hold may include, your first and last name, email address, a home, postal or other physical address, other contact information, your title, birth date, gender, occupation, qualifications, past employment,

residency status, your investments, assets, liabilities, insurance, income, expenditure, financial history and your banking details.

Some of the aforementioned personal information may be mandatory to provide within the context of product providers' requirements and disclosures.

Failing to provide compulsory information may lead to our organisation's inability to carry out the functions necessary to perform as an authorised financial services provider.

Our employees will have access to your personal information to administer and manage our inclusive services, our operator agreements and our various stakeholder relationships.

Third parties and your personal information

We may need to share your information to third parties such as our service providers to provide advice, reports, analyses, products or services that you have requested. Where we share your information, we will take precautions to ensure that the third party will treat your information with the same level of protection as required by us.

These third parties may include:

- Your employer (where applicable);
- The Compliance Officer of S&A (where applicable);
- Analytics and search engine providers assisting in the enhancement of our website;
- Information Technology specialists assisting us with data collection, storage, security, processing and analytics;
- Auditors of S&A;
- Regulatory or governmental authorities such as the Financial Sector Conduct Authority and the Prudential Authority.

We may also disclose your information:

- Where we have a duty or a right to disclose in terms of law or industry codes;
- Where we believe it is necessary to protect our rights.

S&A will not willingly or knowingly sell your personal information to third parties.

The transfer of your personal information outside of the Republic of South Africa

Your information may be hosted on servers managed by a third-party service provider, which may be located outside of South Africa. If this is the case, we will ensure that the level of protection afforded to your personal information by that third country or international organisation is equal to the protection afforded by the POPI Act.

Information security

We are legally obliged to provide adequate protection for the personal information we hold and to stop unauthorised access and use of personal information. We will, take appropriate technical and organisational measures to ensure that your personal information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration, disclosure, or access. We will on an ongoing basis, continue to review our security controls and related processes to ensure that your personal information is secure.

When we contract with third parties, we will seek to impose appropriate security, privacy, and confidentiality obligations on them where possible to ensure that personal information that we remain responsible for, is kept secure.

We may need to transfer your personal information to another country for processing or storage. We will ensure that anyone to whom we pass your personal information agrees to treat your information with the same level of protection as we are obliged to.

We will retain your personal information for a period as required to achieve the purpose of which the personal information was collected initially or subsequently processed, unless retention is required or authorised by applicable law, or we reasonably require the records for lawful purposes related to our functions or activities, or is required by a contract or you (or a competent person where you are a child) has consented to the retention of the record.

We may retain your personal information for periods longer than these periods for historical, statistical or research purposes based on us maintaining appropriate safeguards against the records being used for any other purposes.

Complaints and objections

You have the right to –

- Request that we confirm whether or not we hold personal information about you;
- Request that we provide you with a description of the personal information we hold about you, and to explain why and how it is being processed (please complete **Annexure A**);
- Request that we consider your objections to the processing of your personal information (please complete **Annexure B**);
- Lodge a complaint with the Information Regulator (please complete **Annexure B**).

In all of the cases above, we will also consider any agreements that we have in place with Responsible Parties before we provide a response to you.

Changes to this notice

Please note that we may amend this Notice from time to time. Please check our website periodically or request our latest privacy notice to inform yourself of any changes.

Should we have previously issued a Personal Information Protection Notice to you in relation to the collection of your personal information including similar categories of personal information or for a similar purpose of collection, we would not have to issue a new Personal Information Protection Notice and will be compliant with Section 5(a)(i) and 18 of POPIA.

The Information Regulator

In the event that your personal information has not been processed in accordance with the POPI Act and the principles set out above, you have the right to lodge a complaint with the Information Regulator.

For further information regarding the complaints process, please visit the website of the Information Regulator or contact the Information Regulator for further assistance:

The Information Regulator

Physical Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Email: complaints.IR@justice.gov.za

Website: <https://www.justice.gov.za/infoereg/index.html>

ANNEXURE A: S&A PERSONAL INFORMATION REQUEST FORM**PERSONAL INFORMATION REQUEST FORM**

Please submit the completed form to the Information Officer (informationofficer@sukha.co.za):

Name & Surname:

Contact Number

Email Address:

Please be aware that we may require you to provide proof of identification prior to processing your request. There may also be a reasonable charge for providing copies of the information requested.

A. Particulars of Data Subject

Name & Surname:

Identity Number:

Postal Address:

Contact Number:

Email Address:

B. Request

I request the organisation to:

(a) Inform me whether it holds any of my personal information

☐

(b) Provide me with a record or description of my personal information

☐**C. Instructions****D. Signatures**

Signatory Name & Surname:

Date:

ANNEXURE B: S&A POPI COMPLAINT FORM

POPI COMPLAINT FORM

We are committed to safeguarding your privacy and the confidentiality of your personal information and are bound by the Protection of Personal Information Act.

Please submit your complaint to the Information Officer:

Name & Surname:

Contact Number:

Email Address:

Where we are unable to resolve your complaint, to your satisfaction you have the right to complaint to the Information Regulator.

The Information Regulator: Adv Pansy Tlakula

Physical Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001.

Email: complaints.IR@justice.gov.za

Website: <http://www.justice.gov.za/inforeg/index.html>

A. Particulars of Complainant

Name & Surname:

Identity Number:

Postal Address:

Contact Number:

Email Address:

B. Details of Complaint

C. Desired Outcome

D. Signatures

Signatory Name & Surname:

Date: