

PRIVACY POLICY

Xasa Investments CC and its related bodies (“us”, “we”, or “our”) respects your privacy and Personal Information and for this reason, Xasa Investments CC commits itself to this privacy policy (the “**Privacy Policy**”). This Privacy Policy shall inform you of the manner in which Xasa Investments CC shall Process your Personal Information.

By Corresponding with us, you unconditionally and irrevocably confirm your acceptance of this privacy policy.

INTERPRETATION

- 1.1 Words and expression defined in the Terms and Conditions shall have the same meaning herein unless otherwise expressly indicated.
- 1.2 In this Privacy Policy, unless the context otherwise indicates:
 - 1.2.1 “**Companies Act**” means the Companies Act, No. 71 of 2008 and includes the regulations published under the Act, and any amendments to that Act and/or the regulations from time to time (if any);
 - 1.2.2 “**ECTA**” means Electronic Communications and Transactions Act 25 of 2002 and includes the regulations published under that Act, and any amendments to that Act and/or the regulations from time to time (if any);
 - 1.2.3 “**Personal Information**” means information relating to an identifiable, living, natural person and where it is applicable, identifiable, existing juristic person, including but not limited to:
 - 1.2.3.1 information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - 1.2.3.2 information relating to the education or the medical, financial, criminal or employment history of the person;
 - 1.2.3.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - 1.2.3.4 the biometric information of the person;
 - 1.2.3.5 the personal opinions, views or preferences of the person;
 - 1.2.3.6 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;
 - 1.2.3.7 the views or opinions of another individual or person; and/or
 - 1.2.3.8 the name of the person if appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;
 - 1.2.4 means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including
 - 1.2.4.1 the collection, receipt, recording, organisation, collation, storage, updating, modification, retrieval, alteration, consultation or use;
 - 1.2.4.2 dissemination by means of transmission, distribution, or making available in any other form; and/or
 - 1.2.4.3 merging, linking, as well as restricting, degradation, erasure or destruction of information, and “**Processed**” and “**Process**” shall have a corresponding meaning;

- 1.2.5 **“POPI”** means Protection of Personal Information Act No. 4 of 2013 and includes the regulations published under that Act, and any amendments to that Act and/or the regulations from time to time (if any);
- 1.2.6 **“RSA”** means the Republic of South Africa;

PROCESSING OF YOUR PERSONAL INFORMATION

2.1 What personal Information do we Process:

2.1.1 Personal information provided by customers and companies

2.2 What Non-Personal Information do we Process:

2.2.1 As permitted by ECTA, Xasa Investments CC may use Personal Information collected to compile profiles for statistical purposes. No Personal Information contained in the profiles or statistics will be able to be linked to any specific user.

2.3 Why we Process your Personal Information:

2.3.1 The cardinal purpose for which Xasa Investments CC Processes your Personal Information is to ensure that we can provide you with exemplary Service

2.3.2 Further to the above, Xasa Investments CC may Process your Personal Information, for among other things, the following:

2.3.2.1 to give effect to any communication received from you, which may include instructions, requests, queries, complaints and questions;

2.3.2.2 to update our records and/or your contact details;

2.3.2.3 for the administrative, marketing (including direct marketing), planning, product or service development, quality control, survey and research purposes of Xasa Investments CC, its related bodies corporate, contractors, franchisees, franchisees’ employees or service providers; and

2.3.2.4 generally to render our Services

2.3.3 For the avoidance of doubt, the Personal Information shall be exclusively collected for the specific, explicitly defined and lawful purpose of conducting the business of Xasa Investments CC.

2.4 How we collect your Personal Information:

2.4.1 Xasa Investments CC shall collect your Personal Information from among others, the following sources:

2.4.1.1 our correspondence (in any form) with you

2.4.1.2 when you connect with us via any social media platform (including but not limited to, Facebook, LinkedIn, YouTube and Twitter);

2.4.1.3 any forms you complete for Xasa Investments CC purposes; and

2.4.1.4 when you use and enjoy any of Xasa Investments CC Services that require you to make your Personal Information available to us.

2.4.2 Xasa Investments CC shall collect your Personal Information directly from you, except to the extent that:

2.4.2.1 the Personal Information is contained in or derived from a public record or has deliberately been made public by you;

2.4.2.2 you consent to Xasa Investments CC collecting the Personal Information from another source; and

2.4.2.3 the collection of the Personal Information from another source will not prejudice your legitimate interests.

2.4.3 Accordingly, you appreciate that in order for Xasa Investments CC to provide you with the Services, it is reasonable necessary for:

2.4.3.1 you to directly submit your Personal Information to Xasa Investments CC, as contemplated in 2.4.1 above; and

2.4.3.2 Xasa Investments CC to obtain your indirect Personal Information in respect of the Candidate from the sources in clause 2.4.2 above, and you hereby unconditionally and irrevocably consent to the collection of your Personal Information in the manner contemplated in clause 2.4.3 above, and to its subsequent Processing.

2.5 Where we store your Personal Information:

The Personal Information which we collect from you may be disseminated to, and stored at a destination outside the RSA.

2.6 To whom do we disseminate your Personal Information:

2.6.1 Xasa Investments CC may disseminate your Personal Information to any member in our “group of companies” as that term is defined in the Companies Act.

2.6.2 For the avoidance of doubt, the above, includes but is not limited to the following persons who may be located outside the borders of RSA, namely, our employees, related bodies corporate, contractors, franchisees, franchisees’ employees or service providers for the purpose of operation of our business, fulfilling requests by you, and to otherwise provide our Services to you;

2.6.3 In addition to the above, Xasa Investments CC may disseminate your personal Information to third parties (inside and/or outside the RSA) with whom we have commercial relationships, for business, marketing and related purposes

2.6.4 Notwithstanding the above, Xasa Investments CC shall disseminate your Personal Information to the relevant third parties concerned should one of the following occasions transpire, if:

2.6.4.1 Xasa Investments CC is legally obliged in terms of statute to disseminate your Personal Information;

2.6.4.2 Xasa Investments CC reasonably believes in good faith that the dissemination of the Personal Information is reasonably necessary to protect the property and/or rights of Xasa Investments CC, third parties and/or the public at large; and

2.6.4.3 you furnish Xasa Investments CC with express consent to disseminate your Personal Information to an identifiable and authorised entity and/or person.

2.6.5 In respect of clauses 2.6.1, 2.6.2 and 2.6.3 above, Xasa Investments CC acknowledges and accepts that in terms of section 21(l) of POPI, we must conclude a written contract with the entity and/or person processing the Personal Information on our behalf (the “operator”). Such written contract shall ensure that the operator, which processes the Personal Information shall establish and maintain the security measures referred to in section 19 of POPI.

2.7 What happens if you refuse to provide us with your Personal Information:

2.7.1 If you do not provide us with the Personal Information that we request, some or all of the following may happen:

2.7.1.1 we may not be able to provide our Services to you, at the standard at which we usually deliver, or at all; and

2.7.2 Should you fail to provide us with any mandatory Personal Information that we request in order for us to effectively render our Services, we reserve the right to discontinue providing you with our Services

2.8 General

2.8.1 Xasa Investments CC undertakes to Process the Personal Information lawfully and in a reasonable manner that does not infringe your privacy.

2.8.2 Xasa Investments CC shall take reasonably practicable steps to ensure that the Personal Information is complete, accurate, not misleading and updated where necessary from time to time

PROTECTION OF PERSONAL INFORMATION

3.1 Xasa Investments CC shall take reasonable precautions to protect your Personal Information from unauthorized use and disclosure. In this regard, Xasa Investments CC undertakes not to sell, rent or lease your Personal Information to unauthorised third parties for their independent use, without your consent.

3.2 Xasa Investments CC shall take reasonable technical, administrative and physical measures to protect Personal Information contained in Xasa Investments CC’s database against misuse, loss, damage, unauthorized alteration and/or destruction, unlawful access and Processing (the “Risks”).

3.3 Xasa Investments CC is aware of the Risks and has put appropriate safeguards in place to mitigate the identified Risks. Xasa Investments CC regularly verifies that the safeguards are effectively implemented and ensures that the safeguards are reasonably continually updated in response to new risks or deficiencies in previously implemented safeguards.

3.4 Keep in mind however, that no method of transmission over the internet, or method of electronic storage is 100% secure. Therefore, while Xasa Investments CC shall strive to use commercially acceptable means to protect your Personal Information, Xasa Investments CC cannot guarantee its absolute security.

3.5 Xasa Investments CC cannot enforce or control the security of the computers, electronic devices, or electronic communication method that you may utilize to send e-mails and submit Personal Information to Xasa Investments CC and/or one another over the internet.

3.6 You are responsible for ensuring that the computers, electronic devices and electronic communication methods that you utilize will provide adequate security for communicating with Xasa Investments CC and/or one another.

3.7 Xasa Investments CC shall not be held liable for unauthorized access or distribution of your password. It is your responsibility to choose secure passwords and to keep them safe. Xasa Investments CC cannot be held responsible for Personal Information that is compromised due to an insecure or stolen or breached password. If you are authenticating with Xasa Investments CC via a third party (e.g. Google Apps), those passwords must also be secured at your own risk.

UPDATING YOUR PERSONAL INFORMATION

In the event that you wish to update or amend your Personal Information that you have submitted to us, you may email us the amended Personal Information to properties.weststreet@gmail.com and Xasa Investments CC shall update your Personal Information accordingly.

RETENTION OF PERSONAL INFORMATION

5.1 Xasa Investments CC acknowledges that once you wish to erase your Personal Information, the record is no longer necessary for achieving the purpose for which the Personal Information was initially collected and or subsequently Processed.

5.2 Accordingly once you wish to erase, Xasa Investments CC shall in its sole discretion either:

5.2.1 forthwith destroy and/or delete any record of your Personal Information; or

5.2.2 retain records of such Personal Information for historical, statistical or research purposes

5.3 To the extent that Xasa Investments CC elects to retain the Personal Information, as contemplated in clause 5.2.2 above, Xasa Investments CC shall de-identify the Personal Information thereby establishing an appropriate safeguards against the records being used for any other purposes.

AMENDMENTS TO THIS PRIVACY POLICY

6.1 Xasa Investments CC reserves the right to change and/or amend this Privacy Policy in any manner at any time without prior notice.

6.2 In the event that Xasa Investments CC makes material changes and/or amendments to this Privacy Policy, Xasa Investments CC will place a prominent notice to advise you to inspect and inform themselves on the updated Privacy Policy.

6.3 The most recent version of this Privacy Policy will govern the respective rights and obligation between you and Xasa Investments CC.

CONTACT XASA INVESTMENTS CC

Any questions, queries, comments or complaints concerning this Privacy Policy and/or your Personal Information may be directed to properties.weststreet@gmail.com.

JURISDICTION

You consent to the jurisdiction of the Magistrate's Court in terms of Section 45 of the Magistrate's Court Act, No 32 of 1944 having jurisdiction under Section 28 of the said Act, in respect of any matter arising from, or in connection with, this Privacy Policy.

SEVERABILITY

All terms and provisions of this Privacy Policy are deemed to be independent of each other and accordingly, if any term is found to be invalid, unlawful or unenforceable, such term or provision shall be deemed to be pro non scripto and the remainder of the Privacy Policy shall continue to be of full force and effect.

CESSION

You hereby irrevocable and unconditionally consent to Xasa Investments CC providing all your Personal Information to its successor in title for the purpose of carrying on the business of Xasa Investments CC.