



We are Benders

Privacy Statement in terms of the Protection of Personal Information Act

We are Benders its successors and assigns (we, us, our) treat the personal information we collect through our Channels (this Site, associated sites, online shopping portals, mobile sites, mobile applications and other channels) as private and confidential. This Privacy Statement and our Cookie Notice applies when you use our Channels.

1. Purpose of the manual

This document details how committed we are to collection/processing/recording/storing/disseminating of your Personal Information and the assurance that appropriate security safeguards are in place in accordance with the Protection of Personal Information Act 4 of 2013 (POPIA) and other relevant laws.

Please take note of the following Definitions:

“Personal Information” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person”. This includes but is not limited to your name, identity/passport number, contact information, risk address, risk management data, loss history, bank details, and information collected from public sources.

“Data Subject” means the person that provides the information.

“Responsible Person” means the person/entity that requests your Personal Information for processing for a required action.

“Processing” means any operation or activity or any set of operations including collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use.

“Special Personal Information” means information relating to the Data Subject’s *religious or philosophical beliefs, race and ethnic origin, trade union membership, political persuasion, biometric information and criminal behaviour.*

“Personal Information of Children” means that any child under the age of 18 who’s personal information is requested for processing.

The complete definitions can be found on the following link <https://popia.co.za/section-1-definitions/>.

2. Guidance Note on Processing of Special Personal Information

Section 26 of POPIA prohibits the Processing of Special Personal Information, subject to exceptions provided for in section 27(1). The purpose is to guide Responsible Parties who are required to obtain authorisation from the Regulator to process Special Personal Information, as provided for in section 27(2) of POPIA. In terms of Section 27(2) of POPIA, the Regulator may by notice in the Gazette authorise a Responsible Party to Process Special Personal Information if the Regulator is satisfied that such processing is in the public interest; and appropriate safeguards have been put in place to protect the Special Personal Information of the Data Subject.

The following conditions of lawful processing of personal information are the principles in terms of which we will be processing the collected personal information. They are:

- a) **Accountability** – we as the responsible party and through its employees will make sure that personal information is processed in a lawful and responsible manner.
- b) **Processing limitation** – we shall lawfully collect personal information for a defined purpose and where applicable, with the consent of our clients and third parties.
- c) **Purpose specification** – we will only use personal information for the purposes that our clients, third parties and employees expect us to use it for.
- d) **Further processing limitation** – where a processing activity is seen as further processing (means a new purpose for processing personal information) and this new purpose is inconsistent with the original purpose (original reason we collected personal information), we will make sure that our processing activities meet the requirements of the applicable data protection laws.
- e) **Information quality** – we will take reasonable steps to ensure your personal information is accurate, complete and updated and not misleading.
- f) **Openness** – from the start, we will be open, clear and honest with our clients, third parties and employees on how and why we use their personal information and how we protect their personal information.
- g) **Security safeguards** – we will apply and follow appropriate and reasonable technical and organisational measures to make sure that the confidentiality, integrity and availability of personal information are secured. These measures will also be applied to protect personal information against loss, damage, unauthorised destruction or unlawful access.
- h) **Data subject participation** – we have processes in place for our clients, third parties and employees to access, correct and delete personal information and exercise their rights in terms of applicable data protection laws.

3. Guidance Note on Processing of Personal Information of Children

A Responsible Party is, in terms of section 34 of POPIA, and subject to section 35(1) of POPIA, prohibited from processing Personal Information of Children. This does not apply if such processing is:

- a) Carried out with the prior consent of a competent person;
- b) Necessary for the establishment, exercise or defence of a right or obligation in law;
- c) Necessary to comply with an obligation of international public law;
- d) For historical, statistical or research purposes;
- e) Of personal information of children which has deliberately been made public by the child with the consent of a competent person.

In terms of Section 35(2) of POPIA, the Regulator may, by notice in the Gazette, **authorise** a Responsible Party to process Personal Information of Children if the Regulator is satisfied that such processing is: in the public interest and appropriate safeguards have been put in place to protect the personal information of the child.

4. Collection of Information

When you visit our online Site/s, we automatically collect certain information about your device, including information about your web browser, IP address, time zone, and some of the cookies that are installed on your device. Additionally, as you browse the Site, we collect information about the individual web pages or products that you view, what websites or search terms referred you to the Site, and information about how you interact with the Site. We refer to this automatically-collected information as “Device Information.”

We collect “*Device Information*” using the following technologies:

- a) “*Cookies*” are data files that are placed on your device or computer and often include an anonymous unique identifier. For more information about cookies, and how to disable cookies, visit <http://www.allaboutcookies.org>
- b) “*Log files*” track actions occurring on our Site, and collect data including your IP address, browser type, Internet service provider, referring/exit pages, and date/time stamps.
- c) “*Web beacons,*” “*tags,*” and “*pixels*” are electronic files used to record information about how you browse our Site.

Additionally when you make a purchase or attempt to make a purchase through our Site, we collect certain information from you, including your name, billing address, shipping address, payment information (including credit card numbers), email address, and phone number. We refer to this information as “*Order Information.*” When we refer to “*Personal Information*” in this Privacy Policy, we refer both to Device Information and Order Information.

5. How do we use your Personal Information?

We use the *Order Information* that we collect generally to fulfil any orders placed through the Site (including processing your payment information, arranging for shipping, and providing you with invoices and/or order confirmations). Additionally, we use this Order Information to:

- a) Communicate with you;
- b) Screen our orders for potential risk or fraud; and
- c) When in line with the preferences you have shared with us, provide you with information or advertising relating to our products or services.
- d) To enter you into contests and notify you of results.
- e) To e-mail you with updates, news and special offers.
- f) To respond to your questions or comments.
- g) To register you for certain features on the Site.
- h) With third parties to help us use your Personal Information, as described above. For example, we use on-line stores.
- i) We also use Google Analytics to help us understand how our customers use the Site. You can read more about how Google uses your Personal Information at: <https://www.google.com/intl/en/policies/privacy/> You can also *opt-out* of Google Analytics at: <https://tools.google.com/dlpage/gaoptout>
- j) To comply with applicable laws and regulations.
- k) To respond to a subpoena, search warrant or other lawful request for information we receive, or to otherwise protect our rights. We will never sell your information to any other company.
- l) To provide you with targeted advertisements or marketing communications we believe may be of interest to you. For more information about how targeted advertising works, you can visit the Network Advertising Initiative's ("NAI") educational page at <http://www.networkadvertising.org/understanding-online-advertising/how-does-it-work>
- m) You can opt out of targeted advertising by:
- n) FACEBOOK - <https://www.facebook.com/settings/?tab=ads>
- o) GOOGLE - <https://www.google.com/settings/ads/anonymous>

We use the *Device Information* that we collect to help us screen for potential risk and fraud (in particular, your IP address), and more generally to improve and optimize our Site (for example, by generating analytics about how our customers browse and interact with the Site, and to assess the success of our marketing and advertising campaigns).

6. Objection to processing your Information

Should you question the legality of us processing your Personal Information/Personal Information of your Child or wish to confirm what information we hold for you, please direct your enquiry or objection to our Information Officer (contact@wearebenders.com) by email and the Objection and Enquiry Form regarding Personal Information will be emailed to you to fill in and to sign and send back. Once received, we will make the necessary changes/amendments as requested by you.

7. Sharing of Personal Data

We will not share your personal information to external organisations that are not our service providers, unless business operations require the processing of your personal information in other countries, either to carry out processing based on your instructions or for ordinary business purposes. As specified by the above purposes, we may share your personal information with any of the parties mentioned below, located in any jurisdiction:

- a) Any affiliate/service provider.
- b) Professional advisers like auditors, third-party vendors, or independent contractors who process personal information on behalf of us to support our business.
- c) Our business partners who provide their products and services to you.
- d) Any individual who needs your personal information due to foreign or local law or regulation.
- e) Any court of justice, regulatory body, taxation authority (including any authority investigating an offence) or their agents.
- f) Any debt collection agency, credit bureau, insurer or broker, direct or indirect provider of credit protection and fraud prevention agencies.
- g) Any financial institution to conduct credit checks, anti-money laundering related checks, for fraud prevention and detection of crime purposes for the group.

The third party, who is located outside of South Africa and receives the personal information, will need to comply with either a law, or binding corporate rules or a binding agreement which states that they will provide an adequate level of protection to your personal information. This means that they have to agree to lawfully process your personal information and protect your personal in the same manner as we do.

Please note that we do not alter the Site's data collection and use practices when we see a Do Not Track signal from your browser. When you place an order through the Site, we will maintain your Order Information for our records unless and until you ask us to delete this information. We operate and communicate through our designated profiles, pages and accounts on some social media sites (such as Facebook and Twitter) to inform, help and engage with our clients. We monitor and record comments and posts made about us on these channels so that we can improve our services.

The general public can access, read, share, and comment on any information posted on these sites. We are not responsible for any information posted on those Sites, except for the information posted by our designated officials. We do not endorse the social media sites themselves or any information posted on them by third parties or other users. When you engage with us through social media your personal information may be processed by the site owner. This process is outside our control and may be in a country outside South Africa that may have different privacy principles. For more information about the privacy practices of a social media site, please refer to and read the terms and conditions of that site.

We may update this privacy policy from time to time in order to reflect, for example, changes to our practices or for other operational, legal or regulatory reasons. Any changes we may make to our privacy policy in the future will be posted on this page and, where appropriate, notified to you by e-mail.

8. Use of Cookies on our website

A "cookie" is a small text file that is stored on your computer, smartphone, tablet, or other device when you visit a website or use an app. They contain specific information related to your use of our Site or app, such as login credentials, your preference settings or tracking identifiers. Cookies make it easier for us to give you a better experience online. For all optional types of cookies, we will obtain your consent before these cookies can be used or stored on your device. For this reason, we limit our use of cookies as explained below to:

- a) Provide products and services that you request;
- b) Deliver advertising via marketing communications;
- c) Provide you a better online experience and track Site performance; and
- d) Help us make our Site more relevant to you.

Types of cookies used on our Site:

- a) Category: Mandatory cookies
- b) Category: Preferences
- c) Category: Statistics
- d) Category: Marketing
- e) Optional cookies
- f) Session cookies - These cookies are temporary and only exist while you browse our Site. As soon as you close your browser or move to a different Site, they are removed. They allow our Site to link your actions during a browser session.
- g) Persistent cookies - These are permanent cookies that are stored on your device until they reach a set expiry date or until you delete them. They remember your preferences or actions across our Site (or in some cases across different Sites). We may use them for various reasons, such as remembering your preferences and choices when using our Site, or to display only relevant advertising messages to you.
- h) First-party cookies – We own and create these cookies.
- i) Third-party cookies - These cookies are owned and created by another company that provides a service to us, such as social media sharing, Site analytics or content marketing.

How to disable cookies

You can stop your browser from accepting cookies by changing the settings on your web browser. Please note that restricting cookies may impact the functionality of our Sites. We recommend that you allow cookies, to enable the efficient and proper functioning of the Site. Explore the settings and options on your browser to disable or enable them, or visit <https://www.aboutcookies.org> for detailed information about managing cookies on different browsers.

9. Contact Us

Information Officer: R.J Kunz

Physical address: 299 Durban Road, Bellville, 7530, South Africa

Telephone: 0844101626

E-mail: contact@wearebenders.com

10. The Information Regulator

We would appreciate the opportunity to address any complaints regarding our processing of your Personal Information, however, you have right to complain to the Information Regulator who can be contacted on:

The Information Regulator (South Africa)

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

P.O. Box 31533, Braamfontein, Johannesburg. 2017

Complaints e-mail: complaints.IR@justice.gov.za | General enquiries e-mail: inforeg@justice.gov.za | Telephone: 0861242777