

# **Website Privacy Policy**

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SOLTRAK (PTY) LTD

## **Table of Contents**

1	DEFINITIONS	3
2	INTRODUCTION	4
3	PRIVACY POLICY	5
4	INFORMATION COLLECTION AND PROCESSING	6
5	USE OF PERSONAL INFORMATION	8
6	DATA RETENTION AND DELETION	9
7	SECURITY MEASURES	9
8	THIRD PARTY DISCLOSURE	10
9	DATA SUBJECT RIGHTS	11
10	LOG FILES	13
11	COOKIES	14
12	LINKS FROM THE WEBSITE	15
13	APPLICATION OF THE ELECTRONIC COMMUNICATIONS AND TRANSACTIONS ACT (ECT ACT)	15
14	UPDATES TO THIS POLICY	16
15	CONTACT INFORMATION	17

# 1 DEFINITIONS

1.1 In this Policy, unless the context indicates a contrary intention, the following words and expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings:

1.1.1 **"Consent"** means any voluntary, specific, and informed expression of will in terms of which a Data Subject agrees to the Processing of their Personal Information, as required under POPIA and other applicable laws;

1.1.2 **"Cookies"** means small text files stored on a user's device when visiting the Website, used to enhance functionality and analyse user behaviour, as further detailed in Clause 11;

1.1.3 **"Data Breach"** means a compromise of the security, confidentiality, or integrity of Personal Information, including unauthorised access, disclosure, or loss of data, whether accidental or intentional;

1.1.4 **"Data Subject"** means the individual to whom Personal Information relates, including users of the Website who provide such information, as defined in POPIA;

1.1.5 **"ECT Act"** means the Electronic Communications and Transactions Act 25 of 2002, as amended, governing electronic transactions and communications in South Africa;

1.1.6 **"Information Officer"** means the designated person responsible for ensuring compliance with POPIA within Soltrak, whose contact details are provided in Clause 15;

1.1.7 **"Personal Information"** means information relating to an identifiable, living natural person or juristic person (where applicable), as defined in POPIA, including but not limited to: first name, surname, email address, company name, phone number, and physical address, as collected via the Website;

- 1.1.8 **"POPIA"** means the Protection of Personal Information Act 4 of 2013, as amended, regulating the Processing of Personal Information in South Africa;
- 1.1.9 **"Policy"** means this Privacy Policy;
- 1.1.10 **"Processing"** means any operation or activity concerning Personal Information, including collection, storage, use, dissemination, or destruction, as defined in POPIA;
- 1.1.11 **"Soltrak"** means Soltrak (Pty) Ltd, a private company duly registered in South Africa with registration number 2022/828942/07, having its registered address at 2nd Floor, Old Warehouse Building, Black River Park, Fir Street, Observatory, Cape Town, Western Cape, 7925, South Africa;
- 1.1.12 **"Terms of Service"** means the Terms of Service which apply as between the User and the Soltrak;
- 1.1.13 **"Third-Party Service Provider"** means a service provider engaged by Soltrak to Process Personal Information on its behalf, such as Google Analytics, under strict confidentiality and data protection obligations;
- 1.1.14 **"Website"** means the Soltrak website accessible at [www.soltrak.co.za](http://www.soltrak.co.za), including all subdomains and related platforms; and
- 1.1.15 **"User"** means any individual who accesses or registers on the Website, thereby providing Personal Information to Soltrak.

## 2 INTRODUCTION

- 2.1 Your continued use of the Website indicates that you have both read and agree to the terms of this Policy. You cannot use the Website if you do not accept the

term of this Policy. Your agreement to this Policy constitutes Consent as contemplated in POPIA.

- 2.2 This Policy is to be read as if specifically incorporated into the Terms of Service.

### **3 PRIVACY POLICY**

- 3.1 For the purposes of this section, "Personal Information" will be understood in accordance with the definition provided in the POPIA. Soltrak subscribes to the principles for electronically collecting Personal Information outlined in POPIA and other applicable laws. We endeavour to ensure the quality, accuracy, and confidentiality of Personal Information in our possession.
- 3.2 In adopting this Policy, we balance our legitimate business interests and your reasonable expectation of privacy. We will take all reasonable steps to prevent unauthorised access to or disclosure of your Personal Information. However, absolute security cannot be guaranteed 100%.
- 3.3 While absolute security cannot be guaranteed, we implement reasonable technical and organisational measures to protect your Personal Information against manipulation, loss, misuse, or unauthorised access.
- 3.4 We will continually improve these security measures in line with legal and technological developments.
- 3.5 Only employees, representatives, and consultants with a need-to-know basis and confidentiality obligations may access your Personal Information.
- 3.6 We reserve the right, but not the obligation, to monitor or examine any content you publish or submit to the Website. You are solely responsible for such content.

### **4 INFORMATION COLLECTION AND PROCESSING**

- 4.1 Users will be prompted to register an account with SOLTRAK. When registering your account and using the Website, you may be asked to provide the following Personal Information:
  - 4.1.1 First name;
  - 4.1.2 Surname;
  - 4.1.3 Email address;
  - 4.1.4 Company name;
  - 4.1.5 Phone number; and
  - 4.1.6 Physical address.
- 4.2 We will limit the types of Personal Information we process to only that to which you Consent (for example, in the context of online registration, newsletters, surveys, and other services). Your agreement to this Policy constitutes Consent as contemplated in POPIA.
- 4.3 We will not collect, use or disclose sensitive information (such as information about racial or ethnic origins or political or religious beliefs) except with your specific Consent or in the circumstances permitted by law.
- 4.4 By agreeing to this Policy, you consent to the Processing of your Personal Information for:
  - 4.4.1 The provision and performance of our services;
  - 4.4.2 Informing you of changes made to our Website;
  - 4.4.3 Marketing-related communications;

- 4.4.4 Responding to your queries or requests;
  - 4.4.5 Developing User relationships and profiles;
  - 4.4.6 Understanding User trends to improve services;
  - 4.4.7 Security, administrative and legal purposes; and
  - 4.4.8 Creating aggregated market data without compromising your identity.
- 4.5 We may use Third-Party Service Provider, such as Google Analytics, to process anonymised Website usage data, without collecting identifiable Personal Information.
- 4.6 We implement reasonable technical and organisational measures to protect your Personal Information against manipulation, loss, misuse, or unauthorised access.
- 4.7 Your Personal Information may be stored in or transferred to a central database. Where Personal Information is transferred to or stored in a jurisdiction outside South Africa, such transfer will only occur where the third party is subject to a law, binding corporate rules, or contractual obligations that provide an adequate level of protection in line with Section 72 of POPIA.
- 4.8 Your Personal Information will not be stored longer than necessary for the purposes described herein or as required by law.
- 4.9 Your Personal Information shall only be accessed by our employees, representatives and consultants on a need-to-know basis, subject to confidentiality obligations.

## **5 USE OF PERSONAL INFORMATION**

- 5.1 By agreeing to the terms contained in this Policy, you consent to the use of your Personal Information in relation to:
- 5.1.1 the provision and performance of the services;
  - 5.1.2 informing you of changes made to our website;
  - 5.1.3 the provision of marketing related services to you by us;
  - 5.1.4 responding to any queries or requests you may have;
  - 5.1.5 developing a more direct and substantial relationship with users for the purposes described in this clause;
  - 5.1.6 developing an online user profile;
  - 5.1.7 understanding general user trends and patterns so that we can develop and support existing and ongoing marketing strategies;
  - 5.1.8 for security, administrative and legal purposes; and
  - 5.1.9 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.
- 5.2 We will not sell, share, or rent your Personal Information to any third party or use your e-mail address for unsolicited mail, except as disclosed in this Policy or with your explicit Consent. Any emails sent by us will only be in connection with the provision of our services and/or the marketing thereof.
- 5.3 You specifically consent to direct marketing, as required in terms of section 69 of the POPIA. You may withdraw this consent at any time.

## **6 DATA RETENTION AND DELETION**

- 6.1 We store your Personal Information directly, or alternatively, store your Personal Information on, and transfer your Personal Information to, 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.
- 6.2 The Personal Information we collect from users 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.

## **7 SECURITY MEASURES**

- 7.1 Soltrak shall implement and maintain appropriate technical and organisational measures to protect the integrity and confidentiality of Personal Information collected through the Website, in accordance with POPIA requirements.
- 7.2 These security measures shall include, but not be limited to:
- 7.2.1 Secure server infrastructure with industry-standard encryption protocols;
  - 7.2.2 Regular system monitoring for potential vulnerabilities and attacks;
  - 7.2.3 Restricted access controls to Personal Information on a need-to-know basis;
  - 7.2.4 Employee training on data protection obligations and secure handling of Personal Information;
  - 7.2.5 Procedures for testing, assessing and evaluating the effectiveness of security measures; and

- 7.2.6 Incident response procedures for potential Data Breaches.
- 7.3 In the event of a Data Breach involving Personal Information, Soltrak shall:
  - 7.3.1 Take immediate steps to contain and investigate the breach;
  - 7.3.2 Notify affected Data Subjects and the Information Regulator where required by POPIA; and
  - 7.3.3 Implement corrective measures to prevent recurrence.
- 7.4 Where Soltrak engages Third-Party Service Providers, it shall ensure such providers implement comparable security measures for any Personal Information processed on Soltrak's behalf.
- 7.5 Soltrak shall periodically review and update its security measures in response to new risks, technological developments, and legal requirements.
- 7.6 While Soltrak takes reasonable measures to secure Personal Information, no electronic transmission or storage system can be guaranteed as completely secure. Users acknowledge this inherent risk when providing Personal Information through the Website.

## **8 THIRD PARTY DISCLOSURE**

- 8.1 We may use Third-Party Service Provider, such as Google Analytics, to process anonymised Website usage data, without collecting identifiable Personal Information.
- 8.2 We may disclose your Personal Information to our Third-Party Service Providers who assist us in operating the Website or conducting our business, provided such parties:

- 8.2.1 Agree to keep this information confidential;
  - 8.2.2 Implement comparable security measures to those described in Clause 7; and
  - 8.2.3 Comply with applicable data protection laws including POPIA.
- 8.3 We may also disclose your Personal Information:
- 8.3.1 Where required by law or legal process;
  - 8.3.2 To protect our rights or property;
  - 8.3.3 In connection with a merger, acquisition, or sale of assets; or
  - 8.3.4 Where we believe in good faith that disclosure is necessary to protect the safety of any person.
- 8.4 Users should evaluate the security and trustworthiness of any third parties before disclosing Personal Information directly to them.

## **9 DATA SUBJECT RIGHTS**

- 9.1 In accordance with POPIA and other applicable laws, Data Subjects have the following rights regarding their Personal Information processed by Soltrak:
- 9.1.1 The right to access and request a copy of their Personal Information held by us;
  - 9.1.2 The right to request correction or deletion of inaccurate, irrelevant, excessive, outdated, incomplete, misleading or unlawfully obtained Personal Information;

- 9.1.3 The right to object, on reasonable grounds, to the Processing of their Personal Information;
  - 9.1.4 The right to withdraw Consent previously given, provided such withdrawal does not affect the lawfulness of Processing prior to the withdrawal;
  - 9.1.5 The right to lodge a complaint with the Information Regulator regarding alleged interference with the protection of their Personal Information;
  - 9.1.6 The right to request the destruction or deletion of their Personal Information when it is no longer necessary for the purpose it was collected; and
  - 9.1.7 The right to opt-out of marketing communications at any time by following unsubscribe instructions or contacting us directly.
- 9.2 To exercise any of these rights, Data Subjects may contact our Information Officer at the contact details provided in Clause 15. We may require proof of identity before processing requests to prevent unauthorized access.
- 9.3 We will respond to requests within a reasonable timeframe as required by law. Certain rights may be subject to limitations where permitted by law.
- 9.4 We reserve the right to refuse requests that are frivolous, vexatious, or would involve disproportionate effort, or where we are otherwise permitted or required by law to retain the information.
- 9.5 Where Personal Information has been shared with Third-Party Service Providers, we will take reasonable steps to notify them of any corrections, deletions or objections where practicable.

## 10 LOG FILES

- 10.1 When you visit the Website, even if you do not create an account, we may automatically collect certain information including:
  - 10.1.1 Your IP address;
  - 10.1.2 Your ISP (Internet Service Provider) name;
  - 10.1.3 Browser type and version;
  - 10.1.4 Referring website;
  - 10.1.5 Pages visited on our Website and navigation sequence;
  - 10.1.6 Visit date and duration; and
  - 10.1.7 Technical information about your device's operating system, language settings, and broad demographic data.
- 10.2 This information is aggregated and anonymised where possible, and does not constitute Personal Information as defined in Clause 1.1.7 when standing alone. However, you acknowledge that such data may become identifiable if combined with other Personal Information you provide.
- 10.3 We process this information based on our legitimate business interests under POPIA for:
  - 10.3.1 Website analytics and improvement;
  - 10.3.2 Security monitoring; and
  - 10.3.3 System administration purposes.

- 10.4 Log file data is retained for as long as necessary for analytics or security purposes, not exceeding 6 months unless required by law.
- 10.5 This information is used internally on a need-to-know basis and is not shared with Third-Party Service Providers except:
  - 10.5.1 Where necessary for Website functionality (e.g., hosting providers); or
  - 10.5.2 When required by law.
- 10.6 We will not use individually identifiable log data for purposes other than those stated herein without your explicit Consent.

## 11 COOKIES

- 11.1 We use Cookies. 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:
- 11.2 **"Session Cookies":** These are used to maintain a so-called 'session state' and only last 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.
- 11.3 **"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. These permanent Cookies are not required for the Website to work, but may enhance your browsing experience.

## 12 LINKS FROM THE WEBSITE

- 12.1 The Website may contain links to third party websites including (without limitation) social media platforms, payment gateways, appointment scheduling and/or live chat platforms. If you select a link to any third party website, you may be subject to such third party websites' terms and conditions and/or other policies, which are not under our control or responsibility.
- 12.2 Any 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.
- 12.3 We do not monitor or review the content of any third party websites. 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. We are not responsible for the privacy practices or content of third party websites.
- 12.4 Users should evaluate the security and trustworthiness of any third party websites before disclosing Personal Information to them. We do not accept any responsibility for any loss or damage resulting from your disclosure of Personal Information to third parties.

## **13 APPLICATION OF THE ELECTRONIC COMMUNICATIONS AND TRANSACTIONS ACT (ECT ACT)**

- 13.1 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.
- 13.2 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.
- 13.3 Users acknowledge that electronic signatures, encryption and/or authentication are not required for valid electronic communications between users and us.
- 13.4 Information to be provided in terms of section 43(1) of the ECT Act:

- 13.4.1 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.
- 13.4.2 This Website is owned and operated by Soltrak (Pty) Ltd, a private company duly registered in South Africa with registration number 2022/828942/07, having its registered address at 2nd Floor, Old Warehouse Building, Black River Park, Fir Street, Observatory, Cape Town, Western Cape, 7925, South Africa.
- 13.4.3 Address for service of legal documents: 2nd Floor, Old Warehouse Building, Black River Park, Fir Street, Observatory, Cape Town, Western Cape, 7925, South Africa.
- 13.4.4 Contact Number: 021 300 0485.
- 13.4.5 Website URL: [www.soltrak.co.za](http://www.soltrak.co.za).
- 13.4.6 Email address: [info@soltrak.co.za](mailto:info@soltrak.co.za)

## 14 UPDATES TO THIS POLICY

- 14.1 We reserve the right to update or modify this Policy at any time without prior notice. Any changes will be effective immediately upon posting the updated Policy on the Website.
- 14.2 Your continued use of the Website following the posting of changes constitutes your acceptance of such changes. We encourage you to review this Policy periodically to stay informed about how we are protecting your Personal Information.
- 14.3 Material changes to this Policy that affect our use of previously collected Personal Information will be applied in accordance with applicable laws, including providing additional notice or obtaining your Consent where required.

- 14.4 The date at the top of this Policy indicates when it was last updated. You may access the current version of this Policy at any time by clicking on the "Privacy Policy" link at the bottom of the Website homepage.

## **15 CONTACT INFORMATION**

- 15.1 For any questions, concerns or requests regarding this Policy or the Processing of your Personal Information, you may contact our Information Officer at:

15.1.1 Email: [info@soltrak.co.za](mailto:info@soltrak.co.za)

15.1.2 Telephone: 021 300 0485

15.1.3 Physical Address: 2nd Floor, Old Warehouse Building, Black River Park, Fir Street, Observatory, Cape Town, Western Cape, 7925, South Africa

- 15.2 All formal requests relating to the exercise of your rights under POPIA should be directed to the above contact details. We may require proof of identity before processing such requests.

- 15.3 Complaints regarding the Processing of Personal Information may also be lodged with the Information Regulator of South Africa at [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za) in accordance with POPIA.