

ORCA TECHNOLOGIES PRIVACY POLICY

This Policy explains how we, as Orca Technologies (Pty) Ltd, obtain, use and disclose your personal information, in accordance with the requirements of the Protection of Personal Information Act (“POPIA”).

Orca Technologies (Pty) Ltd is committed to protecting your privacy and to ensure that your personal information is collected and used properly, lawfully and transparently.

1. INTRODUCTION

- 1.1 POPIA gives effect to your constitutional right to privacy, particularly the safeguarding of personal information, regulates the manner in which personal information is lawfully processed, and provides rights and remedies to protect against abuses of personal information.
- 1.2 POPIA is applicable to the processing of personal information by public and private bodies, or responsible parties, domiciled in the Republic of South Africa. It also applies where a responsible party is not domiciled in the Republic but makes use of automated or non-automated means in the Republic, unless those means are used only to forward personal information through the Republic.
- 1.3 A further purpose of POPIA is to ensure that South Africa’s privacy laws are brought in line with international standards.

2. PURPOSE

- 2.1 The purpose of this policy is to give effect to the provisions of POPIA as well as the Promotion of Access to Information Act (PAIA) to protect personal information.
- 2.2 This policy will set out the manner in which Orca Technologies deals with the personal information it processes and provides clarity on the general purpose for which the information is used, as well as how data subjects may participate in this process in relation to their personal information.
- 2.3 The abovementioned protection extends to the personal information of both members of the public as well as our employees.

3. COLLECTION OF INFORMATION

- 3.1 We collect and process various information pertaining to our employees, clients and suppliers. The information collected is based on need and it will be processed for that need/purpose only. Wherever possible, the relevant party will be informed of the information required and whether it is mandatory as well as whether it is optional.
- 3.2 The employee or client will be informed of the consequences of a failure to provide the information needed and any prejudice which may occur due to non-disclosure. An example being where it is a legal requirement for Orca Technologies to collect and process the information.
- 3.3 Whenever necessary and practicable, we will obtain an individual's consent to process personal information. Where consent has not been obtained, the processing of personal information will only be done following a legal obligation placed upon Orca Technologies by a governing or regulatory body, or to protect a legitimate interest which requires protection.
- 3.4 The information collected will be processed in a manner which is lawful and reasonable.
- 3.5 Website usage information may be collect using "cookies" which allows us to collect standard internet visitor usage information.
- 3.6 Records of the personal information the Company has collected will be retained for the minimum period as required by law.
- 3.7 Records of the personal information (so as to de-identify the individual) will be destroyed/delete as soon as reasonably possible after the time period for which we were entitled to hold the records have expired.
- 3.8 The processing of personal information comes to an end when:
 - a) the accuracy of the personal information is contested, for a period sufficient to enable us to verify the accuracy of such information;
 - b) where the purpose for the collected personal information has been achieved;

- c) where the data subject requests that the personal information is not destroyed or deleted, but rather retained; or
- d) where the data subject requests that the personal information be transmitted to another automated data processing system.

3.9 Any personal information collected and processed by us will be complete, accurate, not misleading and up to date.

3.10 Care will be taken with bank account details, and that we are not entitled to obtain or disclose or procure the disclosure of such banking details unless we have the Data Subject's specific consent.

4. RIGHTS OF THE INDIVIDUAL

4.1 Where the consent of a person is required for the processing of his/her/its personal information, such consent may be withdrawn at any time, unless the personal information is required for the conditions provided for in Section 11 of POPIA.

4.2 Should a person be of the opinion that we have failed to comply with the provisions of either POPIA, PAIA or both, said Data Subject is entitled to file a complaint against the Company with the Information Regulator.

5. DISCLOSURE OF INFORMATION

5.1 We may disclose your personal information to our service providers who are involved in the delivery of our products or services to you. We have agreements in place to ensure that they comply with the privacy requirements as required by POPIA.

5.2 We may also disclose your information:

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

6. INFORMATION SECURITY

6.1 Orca Technologies undertakes to ensure that appropriate, reasonable technical

and organisational measures are put in place to prevent loss or damage or unauthorised destruction of personal information. This will be achieved by:

- a) Identifying internal and external risks;
- b) Establishing and maintaining appropriate safeguards;
- c) Regularly verifying these safeguards and their implementation;
- d) Updating safeguards; and
- e) Implementing generally accepted information security practices and procedures.

6.2 Our security controls and process will be reviewed on a regular basis to ensure that personal information is secure.

6.3 Our security policies and procedures cover:

- a) Physical security;
- b) Computer and network security;
- c) Access to personal information;
- d) Secure communications;
- e) Security in contracting out activities or functions;
- f) Retention and disposal of information;
- g) Acceptable usage of personal information;
- h) Governance and regulatory issues;
- i) Monitoring access and usage of private information; and
- j) Investigating and reacting to security incidents.

6.4 Orca Technologies will appoint an Information Officer and Deputy Information Officer who will be responsible for compliance with the conditions of lawful processing of information and other provisions of POPIA.

6.5 Information Officer:

Name: Janet Gafney

Physical Address: 16A Unit 3, Queen Victoria Street, Stanford, 7210

Postal Address: 16A Unit 3, Queen Victoria Street, Stanford, 7210

E-mail Address: accounts@orcatech.co.za

Telephone Number: 021 745 1760

Deputy Information Officer:

Name: Johan van Wyk

Physical Address: 16A Unit 3, Queen Victoria Street, Stanford, 7210

Postal Address: 16A Unit 3, Queen Victoria Street, Stanford, 7210

E-mail Address: johan@orcatech.co.za

Telephone Number: 021 745 1760

6.6 The responsibilities of the Information Officer and his/her Deputy are as follows:

- a) The development, implementation, monitoring and maintenance of a compliance framework.
- b) The undertaking of a personal information impact assessment to ensure that adequate measures and standards exist in order to comply with the conditions for the lawful processing of personal information.
- c) The development, monitoring and maintenance of a manual, as well as the availability thereof, as determined in section 51 of the Promotion of Access to Information Act (PAIA), 2000.
- d) The development of internal measures, together with adequate systems to process request for information or access thereto.
- e) To ensure that company staff awareness sessions are conducted regarding the provisions of the Act, regulations made in terms of the Act, codes of conduct, or information obtained from the Information Regulator.

7. SECURITY BREACHES

7.1 Where it appears that the personal information of a data subject has been accessed and/or acquired by an unauthorised person, in accordance with section 22 of POPIA, the Information Officer, having oversight of the investigation, is required to notify the Information Regulator as well as the Data Subject, except where the identity of the Data Subject cannot be established. Said notification will take place as soon as is reasonably possible.

7.2 The abovementioned notification to the data subject may only be delayed where a public body responsible for law enforcement or the Information Regulator has decided that the notification will interfere with a criminal investigation by said public body.

- 7.3 The investigation of the security breach will be attended to by the Information Regulator and will follow the procedure outlined by the Regulations Relating to the Protection of Personal Information (the Regulations). The Regulations specifies the processes to be followed and includes the relevant documents relating to said processes, which Orca Technologies will adhere to accordingly.
- 7.4 The Data Subject is to be notified of the security breach in writing and the Company will ensure that the notification reaches the Data Subject in at least one of the following ways:
- a) by mail to the Data Subject's last known physical or postal address;
 - b) by e-mail to the Data Subject's last known e-mail address;
 - c) by publication on the Company's website or in the news media; or
 - d) as directed by the Information Regulator.
- 7.5 This notification to the Data Subject will give sufficient information to enable the Data Subject to take protective measures against the potential consequences of the security breach, and must include the following:
- a) a description of the possible consequences of the breach;
 - b) details of the measures that the Company intends to take or has taken to address the breach;
 - c) a recommendation of what the Data Subject could do to mitigate the adverse effects of the breach; and
 - d) if known, the identity of the person who may have accessed and/or acquired the personal information.

8. **DIRECT MARKETING**

- 8.1 Orca Technologies will ensure that:
- a) It does not process any personal information for the purpose of direct marketing (i.e., any from electronic information, including automatic calling machines, SMS's or e-mail) unless a data subject has given their consent to the processing or is an existing client.
 - b) It will only approach data subjects, whose consent is required and who have not previously withheld such consent, once in order to obtain said consent.

This will be done in the prescribed manner and form.

- c) The data subjects will only be approached for purpose of direct marketing of Orca Technologies' own similar products or services. In all instances the data subject shall be given a reasonable opportunity to object, free of charge and in a manner free of unnecessary formality, to such use of his/her/its electronic details at the time when the information is collected.
- d) Any communication for the purpose of direct marketing will contain details of the identity of the sender or the person on whose behalf the communication has been sent and an address or other contact details to which the recipient may send a request that such communications cease.

9. TRANSBORDER INFORMATION FLOWS

Orca Technologies may not transfer an individual's personal information to a third party in a foreign country, unless that individual consents or requests it.

10. ACCESS TO AND CORRECTION OF PERSONAL INFORMATION

- 10.1 You have the right to request a copy of any personal information we hold about you.
- 10.2 You also have the right to request that we update, correct or delete your personal information on reasonable grounds. Such requests must be made to the Information Officer or to Orca Technologies' office.
- 10.3 Where a data subject objects to the processing of their personal information, Orca Technologies may no longer process said personal information. The consequences of the failure to give consent to process the personal information must be set out before the data subject before the data subject confirms his/her/its objection.
- 10.4 Any requests for access to, correction or deletion of personal information will need to be accompanied by sufficient identification.

11. SURVEILLANCE SYSTEMS

Video footage and/or voice/telephone calls that have been recorded, processed and stored via CCTV or other surveillance systems constitute personal information. As such

Orca Technologies will make all data subjects aware of the use of CCTV/other surveillance on the premises or during voice/telephone calls.

12. **HOW TO CONTACT US**

Should you have any queries regarding this notice, need further information about our privacy practices, wish to withdraw consent, exercise preferences, access or correct your personal information, please contact us at the numbers/address listed on our website.