

# PRIVACY NOTICE

**Version: One**

**Date: 28 June 2021**

**This Privacy Notice applies to all companies in the ICTS group of companies, which are:**

- INVESTMENT CONSULTING & TRUSTEE SERVICES (PTY) LIMITED (Registration number: 1996/000948/07) [“ICTS”]
- ICTS LEGAL SERVICES (PTY) LIMITED (Registration number: 2018/060090/07) [“Legal Services”]
- EMPLOYEE BENEFITS NETWORK (PTY) LIMITED (Registration number: 2012/077820/07) [EBNet”]
- MOTSWEDI EMERGING MANAGER STRATEGISTS (PTY) LIMITED (Registration number: 2011/006602/07) [“Motswedi”]
- ICTS TRACING SERVICES (PTY) LIMITED (Registration number: 2008/008464/07) [Tracing Services”]

**(The ICTS Group)**

## ❖ WHAT IS THIS NOTICE FOR?

We know that you care about your personal information and how it is used, and we want you to trust that the ICTS Group uses your personal information carefully. Protection of personal information by the ICTS Group is part of our overall protection of you as a client, service provider or other person interacting with the ICTS Group.

This Privacy Notice will help you understand what personal information the ICTS Group collects, why we collect it and what we do with it.

## ❖ IF YOU HAVE QUESTIONS

If you have any questions about how your personal information is treated, please send these to the relevant Information Officer whose details are below.

### **DETAILS OF THE INFORMATION OFFICERS OF THE ICTS GROUP**

**Mr. David Weil:**

E-mail: [weild@icts.co.za](mailto:weild@icts.co.za)

Telephone: 082 445 8852 (daytime hours).

Street address: Block D, Country Club Estate Office Park, 21 Woodlands Drive, Woodmead, Sandton, 2080

Postal address: PO Box 65939, Benmore, 2010

**Ms Leanne van Wyk:**

E-mail: vanwykl@icts.co.za

Telephone: 087 330 5627 (daytime hours).

Street address: Block D, Country Club Estate Office Park, 21 Woodlands Drive, Woodmead, Sandton, 2080

Postal address: PO Box 65939, Benmore, 2010

**Mr Trevor Glassock:**

E-mail: glassockt@icts.co.za

Telephone: 087 330 5627 (daytime hours).

Street address: Block D, Country Club Estate Office Park, 21 Woodlands Drive, Woodmead, Sandton, 2080

Postal address: PO Box 65939, Benmore, 2010

**Mr Mark Davids:**

E-mail: davidsm@motswedi.co.za

Telephone: 083 222 9913 (daytime hours).

Street address: Block D, Country Club Estate Office Park, 21 Woodlands Drive, Woodmead, Sandton, 2080

Postal address: PO Box 65939, Benmore, 2010

**Mr Chris Brits:**

E-mail: britsc@ebnet.co.za

Telephone: 082 457 1833 (daytime hours).

Street address: Block D, Country Club Estate Office Park, 21 Woodlands Drive, Woodmead, Sandton, 2080

Postal address: PO Box 65939, Benmore, 2010

**Our Deputy Information Officers are:**

**Ms Robynne Kriek** [ICTS Death Benefit Investigation and Distribution Services]

E-mail: kriekr@icts.co.za

Telephone: 087 330 5601 (daytime hours).

Street address: Block D, Country Club Estate Office Park, 21 Woodlands Drive, Woodmead, Sandton, 2080

Postal address: PO Box 65939, Benmore, 2010

**Ms Toni Cantin** [ICTS Trustee Training]

E-mail: cantint@icts.co.za

Telephone: 087 702 3821 (daytime hours).

Street address: Block D, Country Club Estate Office Park, 21 Woodlands Drive, Woodmead, Sandton, 2080

Postal address: PO Box 65939, Benmore, 2010

#### ❖ **MEANING OF WORDS**

We have tried to keep this Privacy Notice as simple as possible, but if you're not familiar with terms, such as personal information, processing or special personal information, then you can read about these terms first in **Annexure A**.

#### ❖ **WHY DO WE USE YOUR PERSONAL INFORMATION?**

The ICTS Group uses your personal information for the following purposes:

1. Mainly to provide you with our services, which are:
  - 1.1. Tracing of members and beneficiaries of our clients, which are retirement funds, insurers and share incentive schemes, in order to enable these members and beneficiaries to receive any benefit that is due to them in terms of the rules of the fund/scheme.
  - 1.2. Providing independent trustee services to our retirement fund clients.
  - 1.3. Providing asset management services to our retirement fund and medical scheme clients.
  - 1.4. Providing investment consulting services to our retirement fund and medical scheme clients.
  - 1.5. Providing legal consulting services and training services to our clients, which are retirement funds, fund administrators, principal officers, trustees, members and other related parties.
  - 1.6. Providing trustee training services.
  - 1.7. Providing death benefit investigation and distribution services.
  - 1.8. Providing a digital knowledge platform service specially tailored to the employee benefits industry.

2. To comply with our legal and regulatory duties, such as our B-BB EE certification.
3. To comply with our contractual obligations to our clients and service providers.
4. To direct, control and oversee the operations, administration and investments of the ICTS Group and to comply with duties set out in the Companies Act and other relevant law.
5. To manage requests for information and complaints related to the ICTS Group.

#### ❖ **WHAT SORT OF PERSONAL INFORMATION DO WE COLLECT?**

We may process the following categories of Personal Information about you -

- personal details: name; and photograph;
- demographic information: gender; date of birth / age; nationality; title; and language preferences;
- identifier information: passport or national identity number; bank statements;
- contact details: correspondence address; telephone number; email address; and details of your public social media profile(s)
- instruction details: details of individuals engaging the services of ICTS either in their personal capacity or on behalf of an institution; Personal Information included in correspondence, documents, evidence or other materials that we Process in the course of providing our services;
- attendance records: details of meetings and other events organised by or on behalf of ICTS that you have attended;
- consent records: records of any consents you may have given, together with the date and time, means of consent and any related information;
- payment details: billing address; payment method; bank account number or credit card number; invoice records; payment records; SWIFT details; IBAN details; payment amount; payment date.
- data relating to your visits to our Website: your device type; operating system; browser type; browser settings; IP address; language settings; dates and times of connecting to a Website; and other technical communications information;
- employer details: where you interact with us in your capacity as an employee of an organisation, the name, address, telephone number and email address of your employer, to the extent relevant; and

- content and advertising data: records of your interactions with our online advertising and content, records of advertising and content displayed on pages displayed to you, and any interaction you may have had with such content or advertising (including, but not limited to, mouse hover, mouse clicks and any forms you complete).

### **Sensitive Personal Information**

Where we need to Process your Sensitive Personal Information, we will do so in the ordinary course of our business, for a legitimate purpose, and in accordance with Data Protection Laws. Sensitive Personal Information is described in POPIA as –

- Bank account numbers or details;
- Information relating to children (under 18); and
- Special Personal Information, which includes
  - sensitive demographic information – such as your race or ethnicity;
  - medical information – such as information about your physical or mental health;
  - sexual information – such as information about your sex life or sexual orientation;
  - Biometric information – such as information from any personal identification technique based on a person’s physical, physiological, or behavioural characteristics, such as their fingerprint, retina, voice, blood type, or DNA.
  - criminal information – such as information about your commission or alleged commission of any offence or about any related legal proceedings;
  - employment information – including your membership of a trade union; and
  - beliefs – including your political or religious beliefs.

### **❖ WHO DO WE COLLECT YOUR PERSONAL INFORMATION FROM?**

Sometimes we collect your personal information from you, but we do not always collect your personal information directly from you. For example, we collect personal information about prospective employees from former employers, or about prospective service providers from third parties.

We rely on the following justifications not to collect personal information directly from you (a data subject):

- It’s necessary to carry out actions for a contract with the data subject;
- It complies with an obligation imposed by law on us;
- It protects the legitimate interest of the data subject; or
- It’s necessary to pursue the legitimate interests of the ICTS Group or a third party to whom the information is supplied.

For more information about the specifics of our activities where we collect personal information from persons other than the persons themselves and the justifications we rely on to do so, please ask the relevant company Information Officer for the company's Data Protection Policy.

#### ❖ WHO DO WE GIVE YOUR PERSONAL INFORMATION TO?

We may disclose your Personal Information to our Associates and Service Providers, for legitimate business purposes, in accordance with applicable law and subject to applicable professional and regulatory requirements regarding confidentiality. In addition, we may disclose your Personal Information –

- if required by law;
- to legal and regulatory authorities, upon request, or for the purposes of reporting any actual or suspected breach of applicable law or regulation;
- if required in terms of our agreements with clients and service providers;
- to third party Operators (including, but not limited to, data processors such as providers of data hosting services and document review technology and services), located anywhere in the world, subject to the conditions set out below;\*
- where it is necessary for the purposes of, or in connection with, actual or threatened legal proceedings or establishment, exercise or defence of legal rights;
- to any relevant party for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including, but not limited to, safeguarding against, and the prevention of threats to, public security;
- to any relevant third-party acquirer(s), in the event that we sell or transfer all or any portion of our business or assets (including, but not limited to, in the event of a reorganization, dissolution or liquidation).

\*If we engage a third-party Operator to Process any of your Personal Information, we recognise that any Operator who is in a foreign country must be subject to a law, binding corporate rules or binding agreements which provide an adequate level of protection similar to POPIA. We will review our relationships with Operators we engage and, to the extent required by any applicable law if force, we will require such Operators to be bound by contractual obligations to –

- only Process such Personal Information in accordance with our prior written instructions; and
- use appropriate measures to protect the confidentiality and security of such Personal Information.

#### ❖ **WHAT DO WE RELY ON TO USE YOUR PERSONAL INFORMATION?**

Many times, the ICTS Group rely on justifications, other than your consent, to use your personal information to do what we need to do. In some instances, the ICTS Group do rely on your consent, for example where you specifically agree that we may process your personal information. But often the ICTS Group will rely on one of the following grounds to use your personal information:

- It's necessary to carry out actions for a contract with the data subject
- It complies with an obligation imposed by law on the ICTS Group,
- It protects the legitimate interest of the data subject; or
- It's necessary to pursue the legitimate interests of the ICTS Group or a third party to whom the information is supplied.

For more specific information about the grounds we rely on to use your personal information, please request the relevant company's Data Protection Policy from the company's Information Officer.

#### ❖ **TRANSFERRING YOUR PERSONAL INFORMATION OUTSIDE SOUTH AFRICA**

The ICTS Group may transfer your personal information outside of South Africa, for example because one of our service providers uses cloud storage or processing based in other countries. However, we will always make sure that we protect your personal information as required by POPIA if your personal information leaves the country.

#### ❖ **SECURITY MEASURES FOR YOUR PERSONAL INFORMATION**

- We implement appropriate technical and organisational security measures to protect your Personal Information that is in our possession against accidental or unlawful destruction, loss, alteration, unauthorised disclosure, unauthorised access, in accordance with applicable law.
- Where there are reasonable grounds to believe that your Personal Information that is in our possession has been accessed or acquired by any unauthorised person, we will notify the Regulator and you, unless a public body responsible for detection, prevention or investigation of offences or the Regulator informs us that notifying you will impede a criminal investigation.
- Because the internet is an open system, the transmission of information via the internet is not completely secure. Although we will implement all reasonable measures to protect your Personal Information that is in our possession, we cannot guarantee the security of any information transmitted using the internet and we cannot be held liable for any loss of privacy occurring during the course of such transmission.

#### ❖ **HOW LONG WILL WE KEEP YOUR PERSONAL INFORMATION?**

- We will keep your personal information for as long as is necessary to achieve the ICTS Group's purposes. After that, we will destroy it if we are no longer authorised or required to

keep it in terms of law, agreements, consent or our companies' respective Data Protection Policies.

- We will only retain and store Personal Information for the period for which the data is required to serve its primary purpose or a legitimate interest or for the period required to comply with an applicable legal requirement, whichever is longer. In this regard, please refer to our Retention Policy, which is on our website ([www.icts.co.za](http://www.icts.co.za)).

#### ❖ YOUR LEGAL RIGHTS

You may have rights under the South African and other laws to have access to your Personal Information and to ask us to rectify, erase and restrict use of your Personal Information. You may also have rights to object to your Personal Information being used, to ask for the transfer of Personal Information you have made available to us and to withdraw consent to the use of your Personal Information.

#### ❖ COOKIES AND SIMILAR TECHNOLOGIES

- We may Process your Personal Information by our use of Cookies and similar technologies.
- When you visit our Website we may place Cookies onto your device, or read Cookies already on your device, subject always to obtaining your consent, where required, in accordance with applicable law. We use Cookies for important reasons, such as identifying registered members (users who registered to our site), where applicable. They are also used to monitor and analyze the performance, operation and effectiveness of our service providers' platforms.

#### ❖ DIRECT MARKETING

- We may Process your Personal Information for the purposes of providing you with information regarding services that may be of interest to you. You may unsubscribe for free at any time.
- If you currently receive marketing information from us which you would prefer not to receive in the future please email us at [enquiries@ICTS.co.za](mailto:enquiries@ICTS.co.za)

#### ❖ IF YOU WANT TO COMPLAIN ABOUT HOW WE HAVE USED YOUR PERSONAL INFORMATION

Please contact the relevant company's Information Officer on the details set out above.

You can also complain to the **Information Regulator** using the following details:

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

Postal address: P.O. Box 31533, Braamfontein, Johannesburg, 2017

Complaints email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)



General enquiries email: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za).

Please only complain to the Information Regulator about issues that are related to personal information or accessing information. If you are complaining about something else, you may need to approach a different regulator or Ombud.

## ❖ YOU HAVE A RIGHT TO ASK US FOR INFORMATION OR ASK US TO DO OTHER THINGS

### How do you make a request under the Promotion of Access to Information Act?

You must do both of the following:

Please use the prescribed form - Form C. You can find Form C on this website: [www.sahrc.org.za](http://www.sahrc.org.za) and attached to the end of this Manual

The request must be made to the **Information Officer** using the contact details above

When you complete your PAIA form you must:

Provide sufficient detail on the request form to enable us to identify your record and the requestor (you, if you are the requestor)

Indicate which form of access is required e.g. electronic, paper

Indicate if there is a particular manner (way) to be used to inform the requestor (e.g. email or post) and state the particulars needed to be informed this way (e.g. email address)

Identify the right that the requestor is seeking to exercise or protect

Give an explanation of why the requested record is required for the exercise or protection of that right

If the request is being made on behalf of someone else - give proof of the capacity of the requestor (we will need to be satisfied of this)

Note: if you do not use the prescribed form or do not complete it properly, your request may be rejected, refused (if sufficient information is not provided or otherwise) or delayed.

All PAIA requests that we receive are evaluated and carefully considered in accordance with PAIA. Sometimes we may have to refuse your request and sometimes we are required to refuse your request. For example, if we are required to protect the personal information of third parties.

In certain circumstances we may let you know that a fee is payable for accessing information.

#### **How do you make a request under POPIA?**

Requests under POPIA must be made in accordance with the provisions of PAIA – as set out above in this Notice.

#### **❖ IF YOU NEED MORE INFORMATION ABOUT HOW WE USE YOUR PERSONAL INFORMATION**

You can always ask for our Data Protection Policy or Promotion of Access to Information Manual. You can ask the relevant company's Information Officer to provide you with the document(s). This is usually done by email.

## Annexure A – meaning of words

**Biometric information** means any information from any personal identification technique based on a person's physical, physiological, or behavioural characteristics, such as their fingerprint, retina, voice, blood type, or DNA.

**Board** means the group of persons appointed or elected as board members in terms of the Rules of the ICTS Group and the Pension Funds Act.

**Breach** means an incident of failing to protect personal information where a person gets unauthorised access to it, for example through hacking, theft or a leak. This includes a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal information.

**Children** means a natural person younger than 18 who are legally incompetent to take legal action or make decisions about themselves without assistance from a competent person, such as their parent or guardian.

**Consent** means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.

**Data subject** means the people or organisations that the personal information is about, for example the members of the ICTS Group.

**Direct marketing** means to approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of:

- (a) promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject; or
- (b) requesting the data subject to make a donation of any kind for any reason.

**Information Regulator** means the public body whose role it will be to enforce compliance with POPIA.

**PAIA** means the Promotion of Access to Information Act, 2 of 2000.

**Pension Funds Act** means the Pensions Funds Act 24 of 1956 or its successor.

**Personal information** means any information about a living human being or an existing company, close corporation, or other juristic person, provided that the human being or juristic person is capable of being identified. It includes both public and private information. It includes special personal information. It excludes purely statistical information and de-identified information.

**POPIA** means the Protection of Personal Information Act 4 of 2013.

**Processing** means doing almost anything with personal information, including collecting it, disclosing it, or combining it with other information.

**Record** means any recorded information, no matter its form or medium (including written, electronic, labelled, illustrative, or visual records) that the responsible party possesses or controls, regardless of whether the responsible party created them or when they came into existence.

**Rules** means the rules and amendments to the Rules of the ICTS Group, as registered by the Financial Sector Conduct Authority from time-to-time.

**Special personal information** means specific types of personal information which are set out in POPIA and that have general and special processing grounds. Special personal information includes religious or philosophical beliefs, race or ethnicity, trade union membership or political persuasion, health or sex life, biometric information and criminal or objectionable behaviour.