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**PRIVACY POLICY:**

1. **Promac Paints (Pty) Ltd** - shall be entitled to disclose Personal Information if required to do so to:
  - (a) comply with applicable law or with legal process served on **Promac Paints (Pty) Ltd**;
  - (b) to protect and defend the rights or property of **Promac Paints (Pty) Ltd** and;
  - (c) for the purposes of distributing same to various third parties who are involved in the provision of the Services provided in accordance with these terms and conditions.
  
2. You should also be aware that information and data is automatically collected through the standard operation of the Internet servers and through the use of "cookies".
  
3. "Cookies" are small text files a web site can use to recognize repeat users and facilitate the user's ongoing access to the Website.
  
4. Cookies are not programs that come onto your system and damage files. Generally, cookies work by assigning a unique number to you that has no meaning outside the assigning site. If you do not want information collected through the use of cookies, there is a simple procedure in most browsers that allows you to deny or accept the cookie feature; however, you should note that you may not be able to purchase **Promac Paints (Pty) Ltd** Products via the Website if you disable the cookie feature.
  - 4.1 By accessing and using the Platform, you consent to our use of cookies.



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5. This Privacy Policy applies to all users of our Website, related mobi-sites and software applications, collectively referred to as “our Platforms”, which are used to access and purchase our products and services.
6. The purpose of this Privacy Policy is to set out how, why and when **Promac Paints (Pty) Ltd** uses your Personal Information so as to comply with the Protection of Personal Information Act 4 of 2013 (“POPI”).
  - 6.1 **Promac Paints (Pty) Ltd** shall take all reasonable steps to protect the personal information of users. For the purpose of this clause, "personal information" shall be defined as Protection of Personal Information Act, 4 of 2013 and/or any other legislation that may find force and effect in terms of the protection of customer information, when making transacting online or via digital channels with **Promac Paints (Pty) Ltd**.
  - 6.2 **Promac Paints (Pty) Ltd** - shall not be liable nor responsible for any instances of fraud and/or other acts and/or omissions that may cause financial loss, prejudice and/ or detriment to the Customer through the payment process and/or payment mechanism utilised by the Customer, unless such loss, prejudice and/or detriment is as a result of the gross negligence of **Promac Paints (Pty) Ltd**.
7. It is important that you read this Privacy Policy together with our other terms and conditions, privacy notices or policies we may provide from time to time when we collect or use your Personal Information.
8. Further, please pay special attention to the clauses in this Privacy Policy that appear in similar text and style (i.e. bold) which:
  - 8.1 may limit the risk or liability of **Promac Paints (Pty) Ltd** or a third party.
  - 8.2 may create risk or liability for the user.
  - 8.3 may compel the user to indemnify **Promac Paints (Pty) Ltd** or a third party.

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8.4 serves as an acknowledgement, by the user, of a fact.

9. We respect your privacy and take the protection of Personal Information very seriously. We strive to deliver excellent service every time you shop with us, and to do this, we need to use some of your Personal Information. This Privacy Policy describes how we handle the Personal Information we collect about you and/or receive from you. By using our Platforms, you agree to the processing of your Personal Information as set out in this Privacy Policy.

10. In this Privacy Policy, the terms-

- **“Personal Information”**, and **“process/processing”** bear the same meanings as set out in POPI.
- **“we”**, **“us”** or **“our”** refers to **Promac Paints (Pty) Ltd;**
- **“you”** and **“your”** refers to every person that accesses or uses our Platforms also referred to as a user.
- **“registered user(s)”** refers to anyone registered on our Platforms and has provided us with a unique email address and password as well as other Personal Information in order to order goods and services on our Platforms.

11. **DISCLAIMER: IF YOU ARE BELOW THE AGE OF 18**

11.1 If you are below the age of 18 years, you must always get permission from your parent or guardian before you use our Platforms or give us your Personal Information. We may check that your parent or guardian has given you such permission, for example by asking you to provide us with your parent’s or guardian’s contact details so we can contact them. We may also check that the contact details you have given us are correct



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and are the details of a person who is actually your parent or guardian. If we are not able to verify such permission or if a parent or guardian confirms that you do not have their permission, you may not use our Platforms.

12. **Promac Paints (Pty) Ltd** processes Personal Information in a manner that is reasonable, adequate, relevant, non-excessive and purpose-specific. In order for users to access and use our Platforms we collect and process some Personal Information. *When you become a registered user, we have to collect and process your Personal Information to render our services to you.*
  
13. When you register to use our Platforms, we may collect the following Personal Information:
  - 13.1 name and surname.
  - 13.2 email address.
  - 13.3 physical address.
  - 13.4 gender.
  - 13.5 mobile phone number.
  - 13.6 online identifiers.
  - 13.7 date of birth.
  - 13.8 identification number.
  
14. You warrant that the information you have provided is accurate, current, true and correct and that does not impersonate or misrepresent any person or entity or falsely state or otherwise misrepresent your affiliation with anyone or anything.

**15. WHY DO WE PROCESS YOUR PERSONAL INFORMATION?**

15.1 We process the Personal Information we collect and receive to: (a) identify you; (b) verify your identity; (c) create a user account for you; and/or (d) enter into a contract with you.

16. As a customer/client, we also process your Personal Information in order to: (a) fulfil our contractual obligations to you when you have ordered goods in order for us to deliver those goods and process returns; (b) provide you with information, products or services you request from us; (c) communicate with you regarding our Platforms and provide you with information, products or services, including billing, customer support, resolving complaints and quality control; (d) notify you about changes to our Platforms, services and products, terms and conditions, privacy policy or notices, and any other changes that impact our Platforms, services and products; (e) send you information about competitions, products or services that may interest you (unless you have opted out of receiving such information); (f) get feedback from you which we need to develop our products and services and grow our business (g) comply with any legal or regulatory obligations such as tax or financial laws; (h) undertake research for statistical purposes. The research and statistics we get from this process do not include your Personal Information and cannot be linked to you, nor can you be identified from these statistics.

**17. RETENTION AND RESTRICTION OF RECORDS:**

17.1 We keep your Personal Information for as long as:

17.1.1 We need it to provide our Platforms, products or services to you.



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17.1.2 It is required or allowed by law and is in line with our internal retention policies.

17.1.3 It is necessary to uphold the contract between you and us.

17.1.4 You have agreed to us keeping your Personal Information subject to your request for us to stop processing your Personal Information.

17.2 We will retain your Personal Information for as long as is necessary to achieve the purpose for which this information was collected or subsequently processed. If your Personal Information is used for more than one purpose, we will retain it until the purpose with the latest period expires but we will stop using it for the purpose with a shorter period once that period expires.

17.3 By accessing and using the Platform, you consent to us retaining records of your Personal Information for no longer than may be necessary to achieve the purpose for which the information was initially collected or subsequently processed.

## 18. WHO ELSE GETS TO PROCESS YOUR PERSONAL INFORMATION

18.1 We do not sell your Personal Information to third parties for their marketing or any other purposes.

18.2 We may provide or make your Personal Information available to:

18.2.1 our employees, the staff of the companies in the **Promac Paints (Pty) Ltd** Group and/or third party service providers in order to enable them to assist us to interact



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with you via our Platforms for the ordering of goods or when delivering goods to you.

18.2.2 law enforcement, government officials, fraud detection agencies or other third parties when the disclosure of Personal Information is necessary or appropriate in connection with an investigation of fraud, intellectual property infringements, or other activity that is illegal or may expose us to legal liability or financial loss, to report or support the investigation into suspected illegal activity.

18.2.3 Third parties (such as a potential purchaser and its professional advisors) in the event of any reorganisation, merger, consolation, sale, joint venture, or other disposition of any or all of our assets.

18.2.4 Our service providers (under contract with us) who help with parts of our business operations (fraud prevention, marketing, public relations, technology services etc). However, our contracts dictate that these service providers may only use your Personal Information in connection with the services they perform for us and not for their own benefit or any other purpose, and must treat such information as confidential information.

## 19. **SENDING YOUR PERSONAL INFORMATION OUTSIDE SOUTH AFRICA**

19.1 We may transfer certain Personal Information outside the geographic borders of South Africa to service providers for purposes set out above (Why we process your Personal

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Information?), including for data storage and back-up purposes to ensure the integrity of our systems.

19.2 When we transfer your Personal Information outside of the geographic borders of South Africa, we will ensure that we do so in accordance with the requirements for lawful transfer outside of South Africa as set out in POPI.

19.3 By accessing and using our Platforms, you consent to us transferring your Personal Information outside of South Africa as set out in POPI.

## **20. SECURING YOUR PERSONAL INFORMATION**

20.1 We secure the integrity and confidentiality of your Personal Information in our possession or under our control by taking appropriate, reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of Personal Information; and unlawful access to or processing of Personal Information.

20.2 In order to implement and maintain such measures, we have in place policies, controls and related processes, which are reviewed and updated on a regular basis. Our policies, controls and procedures cover for example:

20.2.1 physical, technical and network security;

20.2.2 access controls and monitoring of access;

20.2.3 secure storage, destruction and encryption of records of Personal Information;



20.2.4 Personal Information breach reporting and remediation.

20.2.5 by way of written agreements, imposition of security and confidentiality obligations on third parties (based within or outside the borders of South Africa) who process Personal Information as part of rendering services to us.

20.3 Should you disclose your Personal Information to any third party other than **Promac Paints (Pty) Ltd, Promac Paints (Pty) Ltd** shall not be liable for any loss or damage arising or suffered by you as a result of the disclosure of such Personal Information to any third party. This is because we do not regulate or control how that third party uses your Personal Information. You should always ensure that you read the privacy policy of any third party.

## 21. KNOW YOUR RIGHTS

21.1 Having provided adequate proof of your identity, you have the right to:

21.1.1 view, correct and/or amend your Personal Information we process.

21.1.2 Request a record or description of your Personal Information. **Promac Paints (Pty) Ltd** may charge a fee in order to provide you with this record of your Personal Information.



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- 21.1.3 Request to have your Personal Information corrected, destroyed or deleted. In this instance **Promac Paints (Pty) Ltd** will only retain your Personal Information subject to any legislative requirement and/or our internal retention policy.
- 21.1.4 Us complying with your requests upon receipt unless we have credible reason why we cannot comply.
- 21.1.5 Us indicating where, if we cannot agree whether to correct or delete your Personal Information as requested, that a correction or deletion was requested but was not made.
- 21.1.6 Inform you if reasonably practicable, should we change your Personal Information and this has an impact on decisions about you.
- 21.1.7 Notify you of the action taken by us because of your request.
- 21.1.8 Notify you of unauthorised access to your Personal Information.
- 21.1.9 Provide you with reasonable evidence of our compliance with our obligations under this Privacy Policy on reasonable notice and request.
- 21.1.10 Submit a complaint to the Information Regulator.

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22. **HOW TO LODGE A COMPLAINT WITH THE INFORMATION REGULATOR**

22.1 If you have any complaints about this Privacy Policy or our compliance with this Privacy Policy you can lodge a complaint with the Information Regulator.

22.2 The contact details of the Information Regulator are available on its website at: <https://justice.gov.za/infoereg/>