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## Selpal Customer Privacy Notice

August 2021

**DOCUMENT CONTROL**

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**TABLE OF CONTENTS**

1 DEFINITIONS ..... 2

2 BACKGROUND AND PURPOSE OF THIS NOTICE..... 2

3 WHAT IS PERSONAL INFORMATION? ..... 3

4 WHEN WILL SELPAL PROCESS CUSTOMERS’ PERSONAL INFORMATION?..... 4

5 WHEN WILL SELPAL PROCESS CUSTOMERS’ SPECIAL PERSONAL INFORMATION?..... 4

6 WHEN, AND FROM WHERE, DOES SELPAL OBTAIN PERSONAL INFORMATION ABOUT CUSTOMERS? ..... 4

7 REASONS SELPAL NEEDS TO PROCESS CUSTOMERS’ PERSONAL INFORMATION..... 6

8 WHY DOES SELPAL FURTHER USE OR PROCESS CUSTOMERS’ PERSONAL INFORMATION? ..... 9

9 HOW SELPAL USES CUSTOMERS’ PERSONAL INFORMATION FOR MARKETING? ..... 10

10 WHEN WILL SELPAL USE CUSTOMERS’ PERSONAL INFORMATION TO MAKE AUTOMATED DECISIONS ABOUT THEM? ..... 10

11 WHEN, HOW, AND WITH WHOM DOES SELPAL SHARE CUSTOMERS’ PERSONAL INFORMATION? ..... 10

12 WHEN AND HOW SELPAL OBTAINS AND SHARES CUSTOMERS’ PERSONAL INFORMATION FROM/WITH CREDIT BUREAUX? ..... 11

13 UNDER WHAT CIRCUMSTANCES WILL SELPAL TRANSFER CUSTOMERS’ PERSONAL INFORMATION TO OTHER COUNTRIES? ..... 12

14 CUSTOMERS’ DUTIES AND RIGHTS REGARDING THE PERSONAL INFORMATION SELPAL HAS ABOUT THEM 12

15 HOW SELPAL SECURES CUSTOMERS’ PERSONAL INFORMATION ..... 15

16 HOW LONG DOES SELPAL KEEP CUSTOMERS’ PERSONAL INFORMATION?..... 15

17 HOW SELPAL PROCESSES PERSONAL INFORMATION ABOUT PERSONS RELATED TO A JURISTIC PERSON..... 15

## 1 DEFINITIONS

In this document, references to: “Selpal” are to Selpal (Pty) Limited; “FirstRand group” are to FirstRand Limited and its South African subsidiaries (as defined in the Companies Act 2008), including Sepal.

Any product, service or goods offered to a customer by Selpal is referred to as a solution in this document.

## 2 BACKGROUND AND PURPOSE OF THIS NOTICE

Protecting customers’ personal information is important to Selpal. To do so, it follows general principles in accordance with applicable privacy laws.

Selpal has developed this customer privacy notice (notice) to enable its customers to understand how Selpal collects, uses and safeguards their personal information.

Selpal collects personal information about its customers. This includes what customers tell Selpal about themselves, what Selpal learns by having a customer or when a customer makes use of a solution, as well as the choices customers make about the marketing they elect to receive. This notice also outlines customers’ privacy rights and how the law protects customers.

In terms of applicable privacy laws, this notice may also apply to the FirstRand group or on behalf of other third parties (such as authorised agents and contractors), acting on Selpal’s behalf or with Selpal when providing customers with solutions. If Selpal processes personal information for another party under a contract or a mandate, however, the other party’s privacy policy or notice will apply.

In this notice “process” means how Selpal collects, uses, stores, makes available, destroys, updates, discloses, or otherwise deals with customers’ personal information. As a general rule, Selpal will only process customers’ personal information if this is required to deliver or offer a solution to a customer. Selpal respects customers’ privacy and will treat their personal information confidentially.

Selpal may combine customers’ personal information and use the combined personal information for any of the purposes stated in this notice.

Selpal may change this notice from time to time if required by law or its business practices. Where the change is material, Selpal will notify customers and will allow a reasonable period for customers to raise any objections before the change is made. Please note that Selpal may not be able to continue a relationship with a customer or provide customers with certain solutions if they do not agree to the changes.

The latest version of the notice displayed on Selpal’s website will apply to customers’ interactions with Selpal and is available at: [www.selpal.co.za](http://www.selpal.co.za).

### 3 WHAT IS PERSONAL INFORMATION?

Personal information refers to any information that identifies a customer or specifically relates to a customer. Personal information includes, but is not limited to, the following information about a customer:

- marital status (married, single, divorced); national origin; age; language; birth; education;
- financial history (e.g. income, expenses, obligations, assets and liabilities or buying, investing, lending, insurance, banking and money management behaviour or goals and needs based on, amongst others, account transactions);
- employment history and current employment status (for example when a customer applies for credit);
- gender or sex (for statistical purposes as required by the law);
- identifying number (e.g. an account number, identity number or passport number);
- e-mail address; physical address (e.g. residential address, work address or physical location); telephone number;
- information about a customer's location (e.g. geolocation or GPS location);
- online identifiers; social media profiles;
- biometric information (e.g. fingerprints, signature or voice);
- race (for statistical purposes as required by the law);
- physical health; mental health; wellbeing; disability; religion; belief; conscience; culture;
- medical history (e.g. HIV/AIDS status); criminal history; employment history;
- personal views, preferences and opinions; confidential correspondence; or
- another's views or opinions about a customer and a customer's name also constitute personal information.

Depending on the applicable law of the country, a juristic entity (like a company) may also have personal information which is protectable in law, and which may be processed in terms of this notice.

There is also a category of personal information called **special personal information**, which includes the following personal information about a customer:

- religious and philosophical beliefs (for example where a customer enters a competition and is requested to express a philosophical view);
- race (e.g. where a customer applies for a solution where the statistical information must be recorded);
- ethnic origin;
- trade union membership;
- political beliefs;

- health including physical or mental health, disability and medical history (e.g. where a customer applies for an insurance policy); biometric information (e.g. to verify a customer's identity); or
- criminal behaviour where it relates to the alleged commission of any offence or the proceedings relating to that offence.

#### **4 WHEN WILL SELPAL PROCESS CUSTOMERS' PERSONAL INFORMATION?**

Selpal may process customers' personal information for lawful purposes relating to its business if the following circumstances apply:

- it is necessary to conclude or perform under a contract Selpal has with the customer or to provide the solution to the customer;
- the law requires or permits it;
- it is required to protect or pursue the customer's, Selpal's or a third party's legitimate interest;
- the customer has consented thereto;
- a person legally authorised by the customer, the law or a court, has consented thereto; or
- the customer is a child, and a competent person (such as a parent or guardian) has consented thereto on their behalf.

#### **5 WHEN WILL SELPAL PROCESS CUSTOMERS' SPECIAL PERSONAL INFORMATION?**

Selpal may process customers' special personal information in the following circumstances, among others:

- if the processing is needed to create, use or protect a right or obligation in law;
- if the processing is for statistical or research purposes, and all legal conditions are met;
- if the special personal information was made public by the customer;
- if the processing is required by law;
- if racial information is processed and the processing is required to identify the customer;
- if the customer has consented to the processing.

#### **6 WHEN, AND FROM WHERE, DOES SELPAL OBTAIN PERSONAL INFORMATION ABOUT CUSTOMERS?**

We collect information about customers:

- directly from customers;
- based on customers' use of Selpal's solutions;
- based on how customers engage or interact with Selpal, such as on social media, and through emails, letters, telephone calls and surveys;
- based on a customer's relationship with Selpal;

- from public sources (such as newspapers, company registers, online search engines public posts on social media);
- from technology, such as a customer's access and use (e.g. on Selpal's websites and mobile applications) to access and engage with Selpal's platform;
- customers' engagement with Selpal's advertising, marketing and public messaging; and
- from third parties that Selpal interacts with for the purposes of conducting its business (such as partners/suppliers, credit bureaux, regulators and government departments or service providers/vendors).

Selpal collects and processes customers' personal information at the start of, and for the duration of their relationship with Selpal. Selpal may also process customers' personal information when their relationship with Selpal has ended.

If the law requires Selpal to do so, it will ask for customer consent before collecting personal information about them from third parties.

The third parties (which may include parties Selpal engages with as independent responsible parties, joint responsible parties or operators) from whom Selpal may collect customers' personal information include, but are not limited to, the following:

- members of Selpal, any connected companies, subsidiary companies, its associates, cessionaries, delegates, assignees, affiliates or successors in title and/or appointed third parties (such as its authorised agents, partners, contractors and suppliers) for any of the purposes identified in this notice;
- the customer's spouse, joint applicant or account holder and other similar sources;
- attorneys, tracing agents, debt collectors and other persons that assist with the enforcement of agreements;
- payment processing services providers, banks and other persons that assist with the processing of customers' payment instructions, such as card scheme providers (including VISA or MasterCard);
- law enforcement and fraud prevention agencies, and other persons tasked with the prevention and prosecution of crime;
- regulatory authorities, industry ombudsmen, government departments, and local and international tax authorities;
- credit bureaux;
- trustees, executors or curators appointed by a court of law;
- Selpal's service providers/vendors, agents, affiliates partners/suppliers and subcontractors, Selpal uses to offer and provide solutions to customers;
- courts of law or tribunals;
- Selpal's joint venture partners;
- marketing list providers;

- social media platforms; or
- online search engine providers.

## 7 REASONS SELPAL NEEDS TO PROCESS CUSTOMERS' PERSONAL INFORMATION

Selpal may process customers' personal information for the reasons outlined below.

### 7.1 Contract

Selpal may process customers' personal information if it is necessary to conclude or perform under a contract Selpal has with a customer or to provide a solution to a customer. This includes:

- assess and process applications for solutions;
- to conduct affordability assessments, credit assessments and credit scoring;
- to provide a customer with solutions they have requested;
- to open, manage and maintain customer accounts or relationships with Selpal;
- to enable Selpal to deliver goods, documents or notices to customers;
- to communicate with customers and carry out customer instructions and requests;
- to respond to customer enquiries and complaints;
- to enforce and collect on any agreement when a customer is in default or breach of the terms and conditions of the agreement, such as tracing a customer, or to institute legal proceedings against a customer. In such scenario Selpal may aggregate the contact details provided to any of the companies in Selpal to determine the customer's most accurate contact details in order to enforce or collect on any agreement the customer has with Selpal;
- to disclose and obtain personal information from credit bureaux regarding a customer's credit history;
- to meet record-keeping obligations;
- to conduct market and behavioural research, including scoring and analysis to determine if a customer qualifies for solutions, or to determine a customer's credit risk;
- to enable customers to participate in and make use of value-added solutions;
- to enable customers to participate in customer rewards programmes: determine customer qualification for participation, rewards points, rewards level, and monitor customer buying behaviour with Selpal's rewards partners to allocate the correct points or inform customers of appropriate solutions they may be interested in, or to inform Selpal's reward partners about a customer's purchasing behaviour;
- for customer satisfaction surveys, promotional and other competitions;
- for security and identity verification, and to check the accuracy of customer personal information; or
- for any other related purposes.

## 7.2 Law

Selpal may process customers' personal information if the law requires or permits it. This includes:

- to comply with legislative, regulatory, risk and compliance requirements (including directives, sanctions and rules);
- to comply with voluntary and involuntary codes of conduct and industry agreements;
- to fulfil reporting requirements and information requests;
- to process payment instruments (such as a card) and payment instructions (such as a scheduled payment);
- to meet record-keeping obligations;
- to detect, prevent and report theft, fraud, money laundering, corruption and other crimes. This may include the processing of special personal information, such as alleged criminal behaviour or the supply of false, misleading or dishonest information when opening an account with Selpal, or avoiding liability by way of deception, to the extent allowable under applicable privacy laws;
- to conduct market and behavioural research, including scoring and analysis to determine if a customer qualifies for solutions, or to determine a customer's credit risk;
- to enable customers to participate in and make use of value-added solutions;
- to enable customers to participate in customer rewards programmes: determine customer qualification for participation, rewards points, rewards level, and monitor customer buying behaviour with Selpal's rewards partners to allocate the correct points or inform customers of appropriate solutions they may be interested in, or to inform Selpal's reward partners about a customer's purchasing behaviour;
- for customer satisfaction surveys, promotional and other competitions;
- to conduct affordability assessments, credit assessments and credit scoring;
- to disclose and obtain personal information from credit bureaux regarding a customer's credit history;
- to develop credit models and credit tools; or
- for any other related purposes.

## 7.3 Legitimate interest

Selpal may process customers' personal information in the daily management of its business and finances and to protect Selpal's customers, employees, partners/suppliers, service providers/vendors and assets. It is to Selpal's benefit to ensure that its procedures, policies and systems operate efficiently and effectively.

Selpal may process customers' personal information to provide them with the most appropriate solutions and to develop and improve solutions and Selpal's business.

Selpal may process a customer's personal information if it is required to protect or pursue their, Selpal's or a third party's legitimate interest. This includes:

- to develop, implement, monitor and improve Selpal's business processes, policies and systems;
- to manage business continuity and emergencies;
- to protect and enforce Selpal's rights and remedies in the law;
- to develop, test and improve solutions for customers, this may include connecting customer personal information with other personal information obtained from third parties or public records to better understand customer needs and develop solutions that meet these needs. Selpal may also consider customer actions, behaviour, preferences, expectations, feedback and financial history;
- tailoring solutions which would include consideration of a customer's use of third-party products, goods and services and marketing of appropriate solutions to the customer, including marketing on Selpal's own or other websites, mobile apps and social media;
- to market solutions to customers via various means including on Selpal and other websites and mobile apps including social media;
- to respond to customer enquiries and communications including the recording of engagements and analysing the quality of Selpal's engagements with a customer;
- to respond to complaints including analytics of complaints to understand trends and prevent future complaints and providing compensation where appropriate;
- to enforce and collect on any agreement when a customer is in default or breach of the terms and conditions of the agreement, such as tracing the customer, or to institute legal proceedings against the customer. In such a scenario, Selpal may aggregate the contact details provided to any of the companies in Selpal to determine the customer's most accurate contact details in order to enforce or collect on any agreement the customer has with Selpal;
- to process payment instruments (such as a Card) and payment instructions (such as a scheduled payment);
- to meet record-keeping obligations;
- to fulfil reporting requirements and information requests;
- to comply with voluntary and involuntary codes of conduct and industry agreements;
- to detect, prevent and report theft, fraud, money laundering, corruption and other crimes. This may include the processing of special personal information, such as alleged criminal behaviour or the supply of false, misleading or dishonest information when opening an account with Selpal, or avoiding liability by way of deception, to the extent allowable under applicable privacy laws. This may also include the monitoring of Selpal's buildings including CCTV cameras and access control;
- to conduct market and behavioural research, including scoring and analysis to determine if a customer qualifies for solutions, or to determine a customer's credit risk;
- for statistical purposes, such as market segmentation or customer segments (that is placing customers in groups with similar customers based on their personal information);

- to enable customers to participate in customer rewards programmes: determine customer qualification for participation, rewards points, rewards level, and monitor customer buying behaviour with Selpal's rewards partners to allocate the correct points or inform customers of appropriate solutions they may be interested in, or to inform Selpal's reward partners about a customer's purchasing behaviour;
- for customer satisfaction surveys, promotional and other competitions;
- to disclose and obtain personal information from credit bureaux regarding a customer's credit history;
- to develop credit models and credit tools;
- for any other related purposes.

## **8 WHY DOES SELPAL FURTHER USE OR PROCESS CUSTOMERS' PERSONAL INFORMATION?**

At the time that Selpal collects personal information from a customer, it will have a reason or purpose to collect that personal information. In certain circumstances, however, Selpal may use that same personal information for other purposes. Selpal will only do this where the law allows it to, and the other purposes are compatible with the original purpose/s applicable when Selpal collected the customer's personal information. Selpal may also need to request a customer's specific consent for the further processing in limited circumstances. Examples of these other purposes are included in the list of purposes set out in section 7 above.

Selpal may also further use or process a customer's personal information if:

- the personal information about the customer was obtained from a public record, like the deed's registry;
- the customer made the personal information public, like on social media;
- the personal information is used for historical, statistical or research purposes, the results will not identify the customer;
- proceedings have started or are contemplated in a court or tribunal;
- it is in the interest of national security;
- if Selpal must adhere to the law, specifically tax legislation; or
- the Information Regulator has exempted the processing.

Selpal may also further use or process a customer's personal information if the customer has consented to it or in the instance of a child, a competent person has consented to it.

Any enquiries about the further processing of customer personal information can be made in accordance with PAIA manual displayed on Selpal's website at: [www.selpal.co.za](http://www.selpal.co.za).

## **9 HOW SELPAL USES CUSTOMERS' PERSONAL INFORMATION FOR MARKETING?**

- Selpal will use customers' personal information to market I solutions to them
- Selpal will do this in person, by telephone, or electronic channels such as SMS, email and its website or app.
- If a person is not a Selpal customer, or in any other instances where the law requires, Selpal will only market to them by electronic communications with their consent.
- In all cases, a person can request Selpal to stop sending marketing communications to them at any time.

## **10 WHEN WILL SELPAL USE CUSTOMERS' PERSONAL INFORMATION TO MAKE AUTOMATED DECISIONS ABOUT THEM?**

An automated decision is made when a customer's personal information is analysed without human intervention in that decision-making process.

Selpal may use a customer's personal information to make an automated decision as allowed by the law.

Customers have the right to query any such decisions made, and Selpal will provide reasons for the decisions as far as reasonably possible.

## **11 WHEN, HOW, AND WITH WHOM DOES SELPAL SHARE CUSTOMERS' PERSONAL INFORMATION?**

In general, Selpal will only share customers' personal information if any one or more of the following apply:

- if the customer has consented to this;
- if it is necessary to conclude or perform under a contract Selpal has with the customer;
- if the law requires it; or
- if it is necessary to protect or pursue the customer's, Selpal's or a third party's legitimate interest.

Selpal may share a customer's personal information with the following persons, as, joint responsible parties or operators. These persons have an obligation to keep customers' personal information secure and confidential:

- members of Selpal, any connected companies, subsidiary companies, associates, cessionaries, delegates, assignees, affiliates or successors in title and/or appointed third parties (such as its authorised agents, partners/suppliers, contractors and service providers/vendors) for any of the purposes identified in this notice;
- Selpal's employees, as required by their employment conditions;
- the customer's joint applicant or account holder and other similar sources;
- attorneys, tracing agents, debt collectors and other persons that assist with the enforcement of agreements;

- payment processing services providers, banks and other persons that assist with the processing of customer payment instructions, such as card scheme providers (including VISA or MasterCard);
- law enforcement and fraud prevention agencies, and other persons tasked with the prevention and prosecution of crime;
- regulatory authorities, industry ombudsmen, government departments, and local and international tax authorities and other persons the law requires Selpal to share customer personal information with;
- credit bureaux;
- qualification information providers;
- trustees, executors or curators appointed by a court of law;
- partners/suppliers, service providers/vendors, agents and subcontractors, such as couriers and other persons Selpal uses to offer and provide solutions to customers;
- persons to whom Selpal have ceded its rights or delegated its obligations to under agreements, such as where a business is sold;
- courts of law or tribunals that require the personal information to adjudicate referrals, actions or applications;
- the general public, where customers submit content to group social media sites such as a Selpal Facebook page;
- participating partners/suppliers in Selpal's customer reward programmes, where customers purchase goods, products and service or spend loyalty rewards; or
- Selpal's joint venture partners with which it has concluded business agreements.

## **12 WHEN AND HOW SELPAL OBTAINS AND SHARES CUSTOMERS' PERSONAL INFORMATION FROM/WITH CREDIT BUREAUX?**

Selpal may obtain customers' personal information from credit bureaux for any one or more of the following reasons:

- if the customer requested Selpal to do so, or agreed that it may do so;
- to verify a customer's identity;
- to obtain and verify a customer's marital status;
- to obtain, verify, or update a customer's contact or address details;
- to determine a customer's credit risk;
- for debt recovery;
- to trace a customer's whereabouts;
- to update a customer's contact details;
- to conduct research, statistical analysis or system testing;
- to determine the source(s) of a customer's income;
- to build credit scorecards which are used to evaluate credit applications;

- to determine which solutions to promote or to offer to a customer.

### **13 UNDER WHAT CIRCUMSTANCES WILL SELPAL TRANSFER CUSTOMERS' PERSONAL INFORMATION TO OTHER COUNTRIES?**

Selpal will only transfer a customer's personal information to third parties in another country in any one or more of the following circumstances:

- where a customer's personal information will be adequately protected under the other country's laws or an agreement with the third-party recipient;
- where the transfer is necessary to enter into, or perform, under a contract with the customer or a contract with a third party that is in the customer's interest;
- where the customer has consented to the transfer; and/or
- where it is not reasonably practical to obtain the customer's consent, but the transfer is in the customer's interest.

This transfer will happen within the requirements and safeguards of applicable laws or privacy rules that bind Selpal.

Where possible, the party processing a customer's personal information in another country will agree to apply the same level of protection as available by law in the customer's country, or if the other country's laws provide better protection, the other country's laws would be agreed to and applied.

An example of Selpal transferring a customer's personal information to another country would be when Selpal provides solutions to customers and Selpal's service providers/vendors who enable the solutions reside or are located outside of South Africa.

### **14 CUSTOMERS' DUTIES AND RIGHTS REGARDING THE PERSONAL INFORMATION SELPAL HAS ABOUT THEM**

Customers must provide Selpal with proof of identity when enforcing the rights below.

Customers must inform Selpal when their personal information changes, as soon as possible after the change.

#### **14.1 Right to access**

Customers have the right to request access to the personal information Selpal has about them by contacting Selpal. This includes requesting:

- confirmation that Selpal holds the customer's personal information;
- a copy or description of the record containing the customer's personal information; and

- the identity or categories of third parties who have had access to the customer's personal information.

Selpal will attend to requests for access to personal information within a reasonable time. Customers may be required to pay a reasonable fee to receive copies or descriptions of records, or information about, third parties. Selpal will inform customers of the fee before attending to their request.

Customers should note that the law may limit their right to access information.

Please refer to Selpal's information manual prepared in accordance with Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 (information manual) for further information on how customers can give effect to this right. The information manual is available on Selpal's website at: [www.selpal.co.za](http://www.selpal.co.za).

#### **14.2 Right to correction, deletion or destruction**

Customers have the right to request Selpal to correct, delete or destroy the personal information it has about them if it is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, obtained unlawfully, or if Selpal are no longer authorised to keep it. Customers must inform Selpal of their request in the prescribed form. Prescribed form 2 has been included as an annexure to this notice.

Selpal will take reasonable steps to determine if the personal information is correct and make any correction needed. It may take a reasonable time for the change to reflect on Selpal's platform/systems. Selpal may request documents from the customer to verify the change in personal information.

A specific agreement that a customer has entered into with Selpal may determine how the customer must change their personal information provided at the time when they entered into the specific agreement. Customers must adhere to these requirements.

If the law requires Selpal to keep the personal information, it will not be deleted or destroyed upon the customer's request. The deletion or destruction of certain personal information may lead to the termination of a customer's business relationship with Selpal.

#### **14.3 Right to objection**

Customers may object on reasonable grounds to the processing of their personal information where the processing is in their legitimate interest, Selpal's legitimate interest or in the legitimate interest of another party.

Customers must inform Selpal of their objection in the prescribed form. Prescribed form 1 is included as an annexure to this notice.

Selpal will not be able to give effect to the customer's objection if the processing of their personal information was and is permitted by law, the customer has provided consent to the processing and

Selpal's processing was conducted in line with their consent; or the processing is necessary to conclude or perform under a contract with the customer.

Selpal will also not be able to give effect to a customer's objection if the objection is not based upon reasonable grounds and substantiated with appropriate evidence.

Selpal will provide customers with feedback regarding their objections.

#### **14.4 Right to withdraw consent**

Where a customer has provided their consent for the processing of their personal information, the customer may withdraw their consent. If they withdraw their consent, Selpal will explain the consequences to the customer. If a customer withdraws their consent, Selpal may not be able to provide certain solutions to the customer. Selpal will inform the customer if this is the case. Selpal may proceed to process customers' personal information, even if they have withdrawn their consent, if the law permits or requires it. It may a reasonable time for the change to reflect on Selpal's systems. During this time, Selpal may still process the customer's personal information.

Customers can give effect to this right by contacting Selpal on: 086 173 5725 and updating their consent preferences.

#### **14.5 Right to complain**

Customers have a right to file a complaint with Selpal or any regulator with jurisdiction (in South Africa customers can contact the Information Regulator) about an alleged contravention of the protection of their personal information. Selpal will address customer complaints as far as possible.

The contact details of the Information Regulator are provided below.

JD House, 27 Stiemens Street  
Braamfontein  
Johannesburg  
2001

P.O Box 31533  
Braamfontein  
Johannesburg  
2017

Tel no.: +27 (0)10 023 5200  
Website: <https://justice.gov.za/inforeg/>  
Complaints email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)  
General enquiries email: [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za)

## 15 HOW SELPAL SECURES CUSTOMERS' PERSONAL INFORMATION

Selpal will take appropriate and reasonable technical and organisational steps to protect customers' personal information in line with industry best practices. Selpal's security measures, including physical, technological and procedural safeguards, will be appropriate and reasonable. This includes the following:

- keeping Selpal's systems secure (such as monitoring access and usage);
- storing Selpal's records securely;
- controlling the access to Selpal's premises, systems and/or records; and
- safely destroying or deleting records.

## 16 HOW LONG DOES SELPAL KEEP CUSTOMERS' PERSONAL INFORMATION?

Selpal will keep customers' personal information for as long as:

- the law requires Selpal to keep it;
- a contract between the customer and Selpal requires Selpal to keep it;
- the customer has consented to Selpal keeping it;
- Selpal is required to keep it to achieve the purposes listed in this notice;
- Selpal requires it for statistical or research purposes;
- a code of conduct requires Selpal to keep it; and/or
- Selpal requires it for lawful business purposes.

## 17 HOW SELPAL PROCESSES PERSONAL INFORMATION ABOUT PERSONS RELATED TO A JURISTIC PERSON

If a customer is a juristic person, such as a company or close corporation, Selpal may collect and use personal information relating to the juristic person's directors, officers, employees, beneficial owners, partners, shareholders, members, authorised signatories, representatives, agents, payers, payees, customers, guarantors, spouses of guarantors, sureties, spouses of sureties, other security providers and other persons related to the juristic person. These are related persons.

If customers provide the personal information of a related person to Selpal, they warrant that the related person is aware that they are sharing their personal information with Selpal, and that the related person has consented thereto.

Selpal will process the personal information of related persons as stated in this notice, thus references to "customer/s" in this notice will include related persons with the necessary amendments.