

PRIVACY POLICY

**FINALTO (SOUTH AFRICA) Pty Limited · November 2023 V2/2023**

*This privacy policy is issued on behalf of Finalto (South Africa) Pty Limited. The information contained herein is the property of Finalto (South Africa) Pty Limited and its associated entities and may not be copied, used or disclosed in whole or in part outside of the group of companies without prior written permission.*

# INTRODUCTION

**Welcome to Finalto (South Africa) Pty Limited’s (Finalto SA) privacy policy.**

Finalto (South Africa) Pty Limited (“the Company”, “we”, “us”, “Finalto SA”) is committed to protecting your personal information. This privacy policy will inform you about how we collect, use, and share your personal information through our website or when you interact with us and tell you about your privacy rights and how the law protects you. This Privacy Policy sets out in detail how we process your personal information, and we encourage and recommend that you read it in full.

Finalto SA is a company incorporated under the laws of South Africa, with registered office at Boundary Place 18 Rivonia Road, Illovo Sandton, Johannesburg, Gauteng 2196, South Africa and is regulated by the South African Financial Sector Conduct Authority (“FSCA”) under license 46860.

The protection of privacy and the safeguarding of our clients’ data is of great importance to us. The Company is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations. If you have any questions in relation to this policy or the processing of your personal information, please contact us at [privacy@finalto.com](mailto:privacy@finalto.com) or by sending a letter to the above mentioned address of the Company.

# THE INFORMATION WE COLLECT ABOUT YOU

Finalto SA is acting as a responsible party in relation to your personal information. References to “personal information”, have the meaning provided in the Protection of Personal Information Act of 2013 (“POPI Act”). Personal information means any information about an individual from which that person can be identified.

It is important that the personal information we hold about you is accurate and up to date. Please keep us informed if your personal information changes during your relationship with us.

We may collect and process the following information as necessary to provide you with the required services:

* **Identity Data**: first name, maiden name, last name, username or similar identifiers, marital status, title, date of birth and gender.
* **Contact Data**: billing address, delivery address, email address and telephone numbers.
* **Financial Data**: bank account details, bank account statements; source of funds, source of wealth; payment card details.
* **Transaction Data**: details about payments to and from you and other details of products and transactions you have placed via our services and/or products.
* **Technical Data**: cookie information, internet protocol (IP) address (for FIX connections and ClearVision tools), your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website.
* **Profile Data**: your username and password, transactions or orders made by you, your interests, preferences, feedback and responses to our marketing campaigns or surveys.
* **Usage Data**: information about how you use our products and services.

We may process your telephone conversations and conversations made via other means such as Teams for monitoring and regulatory purposes.

We also collect, use and share **Aggregated Data** such as statistical or demographic data. Aggregated Data may derive from your personal information but is not considered “personal information” in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific feature/ product or service we provide.

We do not collect any **Special Personal information** about you (this includes information about your religious or philosophical beliefs, race, ethnic origin, trade union membership, political persuasion, health or sex life or biometric information). Nor do we collect any information about criminal convictions and offences.

**HOW IS YOUR PERSONAL INFORMATION COLLECTED?**

We use different methods to collect information from and about you including through:

* + - **Directly from you:** You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal information you provide when you apply for our products or services or create an account with us;

* **Third parties or publicly available sources:** We may receive personal information about you from various third parties and public sources, as set out below:
* Technical Data from the following parties:
  1. analytics providers such as Google;
  2. advertising networks;
  3. search information providers.

* Contact, Financial and Transaction Data from providers of technical, payment and delivery services
* Identity and Contact Data from data brokers or aggregators
* Identity and Contact Data from publicly availably sources, such as Companies House or equivalent
* Online identity verification databases and similar service providers

# HOW WE USE YOUR PERSONAL INFORMATION

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

* Where we need to perform the contract we are about to enter into or have entered into with you.
* Where you provided your consent.
* Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
* Where we need to comply with a legal or regulatory obligation.

Generally, we do not rely on consent as a legal basis for processing your personal information other than in relation to sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by contacting us at [compliance@finalto.com](mailto:compliance@finalto.com) or [privacy@finalto.com](mailto:privacy@finalto.com).

# PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL INFORMATION

We have set out below, in a table format, a description of all the ways we plan to use your personal information, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal information for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us at privacy@finalto.com if you need details about the specific legal ground we are relying on to process your personal information where more than one ground has been set out in the table below.

|  |  |  |  |
| --- | --- | --- | --- |
| **Purpose/ Activity** | **Type of Data** | | **Lawful basis for processing including basis of legitimate interest** |
| To register as a new client | * Identity documentation * Contact details | | * Performance of a contract with you * Necessary to comply with regulatory obligations |
| To process and deliver your order including; managing payments, fees, charges and collect monies  owed to us | * Identity documentation * Contact details * Financial information * Transaction details | | * Performance of a contract with you * Necessary for our legitimate interests |
| To manage our relationship with you which will include:  Notifying you about changes to our terms | * Identity documentation * Contact details | | * Performance of a contract with you   Necessary to comply with regulatory obligations  - Necessary for our legitimate interests |
| To administer and protect our business | -  - | Identity documentation Contact details | * Necessary to comply with regulatory obligations * Necessary for our legitimate interests |
| To use data analytics to improve our products/services, customer relationships and experiences | -  - | Technical Data  Usage Data | - Necessary for our legitimate interests  - Consent |

# PROMOTIONAL OFFERS FROM US

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you.

You may receive marketing communications from us if you have requested information from us or opened an account with us and you have not opted out of receiving such communication.

Finalto SA or any company within the Finalto Group will not send you unsolicited information regarding any third party's products or services.

# OPTING OUT

You can ask us to stop sending you marketing messages at any time by emailing the Onboarding Department at [onboarding@finalto.com](mailto:onboarding@finalto.com) or [privacy@finalto.com](mailto:privacy@finalto.com). Marketing and advertising communication will always include instructions on how to opt out of receiving such marketing communications.

Where you opt out of receiving these marketing messages, this will not apply to personal information provided to us as a result of a product/service, warranty registration, product/service experience or other transactions.

# DISCLOSURES OF YOUR PERSONAL INFORMATION

We may have to share your personal information with the parties set out below for the purposes set out in the table above.

* Internal Third Parties as set out in the Glossary of this policy.
* External Third Parties as set out in the Glossary of this policy.
* Third parties to whom we may choose to transfer, or merge parts of our business or our assets.

If a change happens to our business, then the new owners shall use your personal information in the same way as set out in this privacy policy.

We require all third parties to respect the security of your personal information and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal information for their own purposes and only permit them to process your personal information in accordance with our instructions for specified purposes and relevant data processing agreements to ensure adequate protection of your personal information.

# INTERNATIONAL TRANSFERS

Finalto SA may share your personal information with international service providers or within the Finalto group of companies. This may involve transferring your data outside South Africa.

We ensure your personal information is protected by requiring all our group companies to follow the same rules when processing your personal information as set out in this policy and requiring all third parties to enter into agreements that govern the processing of your information in order to ensure your personal information is secured. Please contact our Information Officer at privacy@finalto.com if you would like to find out more information on this.

# DATA SECURITY

We are committed to ensuring your Personal Information is secure. We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. All the Personal Information that you provide us is stored in a secure computing environment protected by secure firewalls to prevent unauthorized access. We control access so that only people who need to access the Personal Information can. All staff are provided with security training and are required to adhere to a comprehensive set of security policies, procedures, and standards related to their jobs.

In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information in a manner consistent with this Privacy Policy and applicable laws, in accordance with our instructions, data processing agreements that we have in place and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal information breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

# DATA RETENTION

**HOW LONG WILL YOU USE MY PERSONAL INFORMATION FOR?**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, accounting, or reporting requirements.

To determine the appropriate retention period for personal information, we consider the amount, nature, and sensitivity of the personal information, the potential risk of harm from unauthorised use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements.

By law we have to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for up to seven years after they cease being customers. We may in certain circumstances retain your personal information for longer periods of time where we have a legitimate interest in doing so (for instance where we need to retain your personal information to enable us to defend ourselves against a claim you may have).

In some circumstances you can ask us to delete your data: see below for further information.

# YOUR LEGAL RIGHTS

Under the POPI Act, you, as a data subject have certain rights which are detailed below. Some of these only apply under specific circumstances and are qualified in several respects by exemptions in data protection legislation. We will advise you in our response to your request if we are relying on any such exemptions.

You have the following rights in relation to your Personal Information:

1) a right to access your Personal Information as held by us (also known as a subject access request);

2) a right to receive certain Personal Information;

3) a right to object to processing where the lawful basis is that it is in our legitimate interests, but please note that we may still process your Personal Information where there are other relevant lawful bases or where we have compelling grounds to continue processing your Personal Information in our interests which are not overridden by your rights, interests or freedoms;

4) a right to have inaccurate Personal Information rectified;

5) a right to have certain Personal Information erased where it is no longer necessary for us to process it, where you have withdrawn your consent pursuant to paragraph 8 below, where you have objected pursuant to paragraph 3, where your Personal Information has been unlawfully processed, or where erasing your Personal Information is required in accordance with a legal obligation;

6) a right to request an explanation of the logic involved where we make decisions about you solely through automated means;

7) You have a right to complain: If you are unhappy with how your Personal Information has been handled or processed, Finalto SA has appointed an Information Officer as required by the POPI Act. You may lodge a complaint by sending an email to [privacy@finalto.com](mailto:privacy@finalto.com)

Where we are unable to resolve your complaint, to your satisfaction you have the right to complaint to the Information Regulator at <https://inforegulator.org.za/complaints/>.

8) where we have specifically requested your consent to process your Personal Information and have no other lawful conditions to rely on, you have the right to withdraw your consent; and

9) a right to object to direct marketing, which can be done by opting out of direct marketing via the communication itself or by contacting us at privacy@finalto.com. You also have a right to object to any profiling to the extent that it relates to direct marketing only.

If you are unsure about your rights, are concerned about how your Personal Information may be processed or you would like to exercise any of your rights you can contact us at [privacy@finalto.com](mailto:privacy@finalto.com). You can also contact your national data protection regulator as stated above.

Please be aware that while we will try to accommodate any request you make in respect of your rights; we may have to refuse your request or may only be able to comply with it in part in accordance with the law or we are legally obliged to do so.

Where you make a request in respect of your rights, we will require proof of identification. We may also ask that you clarify your request. We will aim to respond to any request within one month of verifying your identity. If we receive repeated requests or have reason to believe requests are being made unreasonably, we reserve the right not to respond.

# COOKIES

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly. For more information about the cookies we use, please see <https://www.finalto.com/cookie-policy/>and <https://www.finalto.com/>

# NO FEE USUALLY REQUIRED

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

# WHAT WE MAY NEED FROM YOU

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal information (or to exercise any of your other rights). This is a security measure to ensure that personal information is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

**RESTRICTION OF RESPONSIBILITY**

The Company is not responsible for the privacy policies or the content of those sites to which it links. The Company has no control over the use or protection of information provided by a Client or collected by those sites.

**PRIVACY POLICY UPDATES**

From time to time, Finalto SA may update this Privacy Policy. The revised Privacy Policy will be posted on the website keeping you informed. Any dispute over our Privacy Policy is subject to this Privacy Policy and the Agreement.

**AGREEMENT**

I have read, understood and agree with the terms of this Privacy Policy, and I confirm that I have full power and authority to be bound by the terms of this Privacy Policy.

For any queries or further information in relation to this Privacy Policy please contact us at [privacy@finalto.com](mailto:privacy@finalto.com).

**GLOSSARY**

# LAWFUL BASIS

|  |  |
| --- | --- |
| **Legitimate Interest** | means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal information for our legitimate interests. We do not use your personal information for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). |
| **Performance of Contract** | means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract. |
| **Comply with a legal or regulatory obligation** | means processing your personal information where it is necessary for compliance with a legal or regulatory obligation that we are subject to. |

# THIRD PARTIES

## INTERNAL THIRD PARTIES

Other companies in the Finalto Group [acting as joint controllers or processors] and who are based in the UK, Denmark, Australia, Singapore, Cyprus and provide services such as IT and system administration services.

## EXTERNAL THIRD PARTIES

* Service providers [acting as processors] based within the EU and UK, Hong Kong, Japan and Singapore who provide IT and system administration services and client services relations management.
* Professional advisers [acting as processors or joint controllers] including lawyers, bankers, auditors and insurers based in South Africa, EU and UK who provide consultancy, banking, legal, insurance and accounting services.
* HM Revenue & Customs, regulators and other authorities [acting as processors or joint controllers] based within or outside South Africa, who require reporting of processing activities in certain circumstances.
* Government agencies including law enforcement and other public and regulatory authorities which may include authorities outside your country of residence. Without limitation to the generality of the foregoing, we may disclose personal information, where we are required to comply with certain obligations such as obligations arising under: The Foreign Account Tax Compliance Act (FATCA), the OECD Common Reporting Standard (“CRS”) as well as any obligations arising under any laws or regulations of the United States Internal Revenue Service (“IRS”) to which we may be required to adhere to.