POPI Act Privacy Notice

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Contents 2
Introduction 3
What is personal information? 3
Rights as a data subject 4
Accountability 4
Purpose of collection of information 5
Disclosure of your personal information 5
Information provided by you regarding a third party or minor 5
How is the personal information obtained? 6
Consent 6
Storage and retention of personal information 6
Management and safeguarding of Personal Information 7
Accessing, changing or removing your personal information 7
Information Regulator 7

Introduction

The **Protection of Personal information Act (POPIA)** is the comprehensive data protection legislation that obliges organisations to deal with the processing of personal information appropriately by applying specific principles and conditions.

As part of our integral service offering, Millenium Star Capital ("MSC") is required to collect personal information from our clients and potential clients to ensure that we can meet your financial services needs and provide you with information about our services.

Respecting and protecting data subject's personal information is not only important to MSC but is also a constitutional right, as well as both a legal and good business practice requirement.

Dealings with MSC are subject to this notice.

What is personal information?

Personal information is defined by the Protection of Personal information Act (the Act) as:

"means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—

a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
b) information relating to the education or the medical, financial, criminal or employment history of the person;
c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
d) the biometric information of the person;
e) the personal opinions, views or preferences of the person;
f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
g) the views or opinions of another individual about the person; and
h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person".

Rights as a data subject

The data protection laws give you certain rights in relation to the personal information we hold on you. These are:

- **The right to be notified:** This means that we must tell you how we use your personal information;
- **The right of access:** You have the right to access the personal information that we hold on you. To do so, you should make a subject access request;
- **The right for any inaccuracies to be corrected:** If any personal information that we hold about you is incomplete or inaccurate, you are able to request us to make any necessary amendments to correct it;
- **The right to have information deleted:** If you would like us to stop processing your personal information, you have the right to ask us to delete it from our systems where you believe there is no reason for us to continue processing it;
- **The right to restrict the processing of the personal information:** For example, if you believe the personal information we hold is incorrect, we will stop processing it (whilst still holding it) until we have ensured that it is correct;
- **The right to portability:** You may transfer the personal information that we hold on you for your own purposes;
- **The right to object to the inclusion of any information:** You have the right to object to the way we use your Personal information where we are using it for our legitimate interests;
- **The right to regulate any automated decision-making and profiling of Personal information:** You have a right not to be subject to automated decision making in way that adversely affects your legal rights.

Accountability

MSC

- Accepts joint responsibility and accountability with you to responsibly manage and protect your Personal information when providing our services and solutions to you;
- Undertakes to receive, only from you, and process the personal information that is necessary for the purpose to assist you with your required solutions, conclude the necessarily related agreements and consider the legitimate legal interests of everyone concerned, as required by the Act and to respect your right to withdraw your consent for the processing of your Personal information;
- Undertakes to only use your Personal information for the purpose required to assist you or provide solutions to you;
- Undertakes not to share or further process your Personal information with anyone if not required for assisting you with your solutions or by the law;
- Undertakes to be open and transparent and notify you as and when required by law regarding why and how your Personal information needs to be collected;
- Undertakes to safeguard and protect your Personal information in our possession;
- Undertakes to freely confirm what Personal information we have, to update and correct the personal information, and to keep it for no longer than legally required.

Purpose of collection of information

MSC or the companies who provide or assist with the solutions you require need to collect, use, and keep your Personal information as prescribed by relevant laws and regulations and for reasons such as:

- To share with and provide relevant products or services to you, to carry out the transaction you requested, and to maintain our relationship;
- To respond to your queries;
- For operational purposes required to assist you with the solutions you require;
- For audit and record-keeping purposes;
- In connection with possible requirements by the Information Regulator or other Government agencies allowed by law, legal proceedings, or court rulings;
- Regulatory duties such as verifying the identity of clients and to maintain records of regulated business, including a record of products you invest in and historical data about investments you have made in the past.

Disclosure of your personal information

We will never sell, trade, or rent your Personal information to others; however, we may share your information with selected third parties including:

- our service providers, suppliers and sub-contractors for the performance of any contract we have entered into with them. They may then process this data on our behalf to help run some of our internal business operations, for example, IT services;
- governmental or judicial bodies or agencies to comply with our legal and regulatory obligations;
- fraud prevention agencies, other companies and organisations to prevent or detect financial and other crime;
- a verification company to conduct checks on you to verify the information you have provided;
- to utilise software or online platforms to enter and process your information for an application, processing, or business management purposes.

Where we share your data with third parties, we ensure that your data is held securely and in line with applicable legislation.

Information provided by you regarding a third party or minor

If you provide us with any Personal information relating to a third party (e.g. information of your spouse, children, parents, employees, and/or persons associated with your company, organisation or trust etc.), by submitting such information to us, you represent to us that you have obtained their consent to do so.

How is the personal information obtained?

- Directly from yourself and your ongoing dealings with us;
- Through the course of ongoing client service correspondence;
- Through our due diligence procedures, which may include information from third parties through publicly available sources;
- Through recording any communications with you including, electronic, telephonic, in person or otherwise, which will constitute evidence of the communications between us. (This information is collected in compliance with our regulatory duties in relation to our record keeping obligations. Please note, that such telephone conversations may be recorded without the use of a warning tone or any other further notice.)
- It should also be noted that, if you visit any of our offices or premises, we may have CCTV cameras which may record your image.

Consent

Where our use of your Personal information requires consent, such consent will be provided explicitly by you, or such other party that has the necessary competency and authority to do so on your behalf.

If we rely on your consent as our legal basis for processing your Personal information, you have the right to withdraw that consent at any time by contacting us using the contact details set out in this Privacy Notice below; however, the withdrawal of consent may be limited by law or subject to the completion of a relevant service or other similar and related activity. Withdrawal of consent will likely result in the termination of services.

Storage and retention of personal information

We hold Personal information in a combination of electronic means and paper-based files and take steps to protect the personal information we hold within our possession from misuse, loss, unauthorised access, modification or disclosure.

We are required by the Financial Advisory and Intermediary Services Act 37 of 2002 to retain records for 5 years after termination of a product or business relationship after which we will remove any details that will identify you or we will securely destroy the records.

Management and safeguarding of Personal Information

We take every reasonable precaution to protect your personal information from theft, unauthorised access and disruption of services. However, the internet is an open medium and we cannot guarantee that any information you send to us by email or other electronic means will not be intercepted or tampered with; any transmission is at your own risk.

We train our employees who handle personal information to respect the confidentiality of client information and the privacy of individuals. We regard breaches of your privacy very seriously and will impose appropriate penalties, including dismissal where necessary.

We have appointed an Information Officer to ensure that our management of Personal information is in accordance with this Privacy Notice, applicable policies, and the applicable legislation.

Accessing, changing or removing your personal information

Where you have provided consent to our use of your Personal information, you also have the unrestricted right to withdraw that consent at any time. Withdrawing your consent means that we will stop processing the personal information that you had previously given us consent to use. There will be no consequences for withdrawing your consent; however, in some cases, we may continue to store and use the personal information where so permitted by having a legitimate reason for doing so or where required by law, regulation or by any other competent authorities. We may also not be able to continue our services to you.

You may also ask us to access or change your personal information in our records at any time.

Information Regulator

Any additional information or concerns can be found and raised with the Information Regulator, who can be contacted as shared below, but please feel free to contact us first to discuss any questions or concerns you may have:

Website: https://www.justice.gov.za/inforeg/
Tel: 012 406 4818
Email: inforeg@justice.gov.za