



Blue Horizon Licensing (Pty) Ltd External Privacy Standard

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1. Introduction

Blue Horizon Licensing (Pty) Ltd respects the right to privacy and confidentiality of personal information we encounter in conducting our business. We may change this Privacy Standard from time to time if the law or business practices require it.

The Protection of Personal Information Act, 4 of 2013 (POPIA) describes personal information as information that identifies and relates to you or other individuals (such as your dependents)

2. Key definitions in this standard

“Child” means person under the age of 18 years;

“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 natural or juristic person to whom personal information relates, such as an individual member, policy holder or an entity that provides Blue Horizon Licensing with products or services;

“De-identify” in relation to personal information of a data subject, means to delete and information that –

- a) identifies the data subject;
- b) can be used or manipulated by a reasonably foreseeable method to identify the data or subject; or
- c) can be linked by a reasonably foreseeable method to other information that identifies the data subject, and “de-identified” has a corresponding meaning;

“Filing system” means any structured set of personal information, whether centralized, decentralized or dispersed on a functional or geographical basis, which is accessible according to specific criteria;

“Information Officer” means the head of a private body once appointed the information office must be registered with the South African Information Regulator established under POPIA prior to performing his or her duties. Deputy Information Officers can also be appointed to assist the information officer;

“Deputy Information Officer” means the person to whom any power or duty conferred or imposed on an Information Officer in terms of POPIA has been delegated;

“Head” in relation to, a private body means –

- a) in the case of a natural person, that natural person or any person duly authorized by that natural person;
- b) in the case of a partnership, any partner of the partnership or any person duly authorized by the partnership;
- c) in the case of a juristic person:
 - i) the chief executive officer or equivalent officer of the juristic person or any person duly authorized by that officer; or
 - ii) the person who is acting as such person or any person duly authorized by such acting person;

“Information Regulator” means the Regulator established in terms of Section 39 of POPIA;

“Operator” means a person processing personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party e.g. a third party service that has contracted with Blue Horizon Licensing (Pty) Ltd to shred documents containing personal information.

“Processing” means any operation or activity or any set of operations, whether by automatic means or not, concerning personal information, including –

- a) the collection, receipt, recording, organization, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- b) dissemination by means of transmission, distribution or making available in any other form; or products and legal matters relating to those products; or
- c) merging, linking, as well as restriction, degradation, erasure or destruction of information.

“Record” means any recorded information –

- a) regardless of form or medium, including any of the following:
 - i) writing of any material;
 - ii) information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;
 - iii) label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
 - iv) book, map, plan, graph or drawing;
 - v) photograph, film, negative, tape or other device in which one or more visual images are embodied to be capable, with or without the aid of some other equipment, of being reproduced;
- b) in the possession or under the control of a responsible party;
- c) whether or not it was created by a responsible party and
- d) regardless of when it came into existence.

“Responsible party” means a public or private body or any other person which, alone or in conjunction with others determines the purpose of and means for processing personal information.

“Person” means a natural person or a juristic person;

“Personal information” 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, wellbeing, disability, religion, conscience, belief, culture, language and birth of a 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 assignment to the person;
- d) the personal opinions, views or preferences of the person;
- e) 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;
- f) the views or opinions of another individual about the person and;
- g) 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.

“Private body” means –

- a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
- b) a partnership which carries or has carried any trade, business or profession;
- c) any former or existing juristic person but excludes a public body.

“Public body” means any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or any other functionary or institution when

- a) exercising a power or performing a duty in terms of the constitution; or
- b) exercising a public power or performing a public function in terms of any legislation.

Our aim is to handle personal information responsibly, balancing the benefits of activities such as the contractual relationship, research, data analytics with our other commitments, including reliability, transparency and non-discrimination.

3. Personal information we collect

3.1 General identification and contact information

This includes but is not limited to your name, address, e-mail and telephone details, gender, marital status, family status, date of birth, educational background, employment history, skills and experience.

3.2 Financial information and account details

This includes but is not limited to your bank account number.

3.3 Identification numbers issued by government bodies or agencies

This includes but is not limited to identity number, passport number, tax number, and driver’s or other license number.

3.4 Marketing preferences and customer feedback

You may let us know of your marketing preferences, enter a contest or prize draw or other sales promotion or respond to a voluntary customer satisfaction survey.

4. From whom do we collect the personal information and when will we process it?

We will only process your personal information for lawful purposes relating to our business if the following circumstances apply –

- a) You have consented thereto;
- b) A person legally authorized by you, the law or a court, has consented thereto;
- c) It is necessary to conclude or perform under a contract we have with you;
- d) The law requires or permits it;
- e) It is required to protect or pursue your or a third party’s legitimate interest;
- f) If the processing is for statistical or research purposes, and all legal conditions are met and/or
- g) You are a child and a competent person (such as a parent or guardian) has consented thereto on your behalf

5. How we process information about persons related to a juristic person

If you are a juristic person, such as a company or close corporation, we may collect and use personal information relating to the juristic person’s directors, officers, employees, beneficial owners, partners, shareholders, members, authorized signatories, representatives, agents, payers, payees, customers, guarantors, other security providers and other persons related to the juristic person. These are related persons.

If you provide the personal information of a related person to us, you warrant that the related person is aware that you are sharing their personal information with us, and that the related person has consented thereto. We will process the personal information of related persons as stated in this Privacy Standard.

6. Personal information of other individuals

If you provide personal information to Blue Horizon Licensing (Pty) Ltd regarding other individuals, you agree to -

- a) Inform the individual about the content of this Privacy Standard; and
- b) Obtain and legally required consent for the collection, use, disclosure, and transfer (including cross-border transfer) of personal information about the individual in accordance with this Privacy Standard.

7. Reasons we need to process your personal information

Personal information may be obtained to -

- a) Enable us to deliver goods, documents or notices to you;
- b) Carry out your instructions and requests;
- c) Communicate with you and others as part of our business;
- d) Send you important information regarding changes to our policies, other terms and conditions, the website and other administrative information;
- e) For customer satisfaction feedback;
- f) Develop, test and improve our products and services to you;
- g) Carry out market research and analysis, including satisfaction surveys;
- h) Provide marketing information to you in accordance with preferences you have expressed;
- i) Personalize your experience on online platforms by presenting information and advertisements tailored for you;
- j) Identify you to anyone to whom you send messages through the Blue Horizon Website;
- k) Allow you to participate in contests, prize draws, competitions and similar promotions, and to administer these activities. Some of these activities have additional terms and conditions, which could contain additional information about how we use and disclose your Personal Information, as a result, we suggest that you read these carefully;
- l) Manage our infrastructure and business operations, and comply with internal policies and procedures including those relating to auditing, finance and accounting, billing and collections, IT systems, data and website hosting, business continuity, records, documents and print management;
- m) Process payment instructions;
- n) Resolve complaints, and handle requests for data access or correction;
- o) Fulfil reporting requirements and information requests;
- p) Comply with applicable laws and regularity obligations, legal process and respond to requests from public and governmental authorities;
- q) Establish and defend regal rights, protect our operations or those of our associates, our rights, privacy, safety and property, and/or that of Blue Horizon Licensing (Pty) Ltd, you or others, and pursue available remedies or limit our damages;
- r) For security and identification and to check the accuracy of your personal information;
- s) For any related purposes.

8. Marketing preferences

We may use your personal information to send newsletters, marketing and promotional campaigns to you. We may do this in person, by post, telephone, or electronic channels such as SMS and email. We will provide you with regular opportunities to tell us your marketing preferences, including in our communications to you. You can also contact us by e-mail at info@blueh.co.za to tell us your marketing preferences and to opt-out.

If you no longer want to receive marketing related communications from Blue Horizon Licensing (Pty) Ltd going forward, you may opt out of receiving these marketing related communications at any time.

We aim to comply with your opt out request(s) within a reasonable time period. Please note that if you opt out of receiving marketing communications from us, we may still send you other important administrative communications from which you cannot opt out.

9. Security

We will take appropriate and reasonable technical, physical, legal and organizational measures, which are consistent with applicable privacy and data security laws. This includes the following –

- a) Keeping our systems secure;
- b) Storing our records securely;
- c) Controlling the access to our buildings, systems and/or records;
- d) Safely destroying or deleting records.

Unfortunately, no data transmission over the internet or data storage system can be guaranteed to be 100% secure. If you have reason to believe that your interaction with us is no longer secure, please immediately notify us at info@blueh.co.za.

When we provide personal information to a service provider, the service provider will be selected carefully and required to use appropriate measures to protect the confidentiality and security of the personal information.

9. Retention of personal information

We take reasonable steps to ensure that the personal information we process is for its intended use, and as accurate and complete as is necessary to carry out the purposes described in this Privacy Standard, unless a longer retention period is required or permitted by other applicable law. We will keep your personal information for as long as –

- a) The law requires us to keep it;
- b) A contract between you and Blue Horizon Licensing (Pty) Ltd requires us to keep it;
- c) You have consented to us keeping it;
- d) We are required to keep it to achieve the purposes listed in the this Privacy Standard;
- e) We require it for statistical or research purposes, we will then de-identify the personal information where necessary;
- f) We require it for lawful purposes.

10. Your duties and rights regarding the personal information we have about you

You must provide proof of identity when enforcing the rights below. You must inform us when your personal information changes.

You have the right to request access to the personal information we have about you by contacting us. This includes requesting –

- a) Confirmation that we hold your personal information;
- b) A copy or description of the record containing your personal information;
- c) The identity or categories of third parties that have access to your personal information.

11. Complaints procedure

You have the right to complain in the event where any of your rights in terms of POPIA have been infringed. Blue Horizon Licensing (Pty) Ltd take all complaints in a serious light and will address all personal information and privacy related complaints in accordance with the following procedure –

- a) Complaints need to be sent to the Information Officer or Deputy Information Officer
- b) The Information Officer or Deputy Officer will revert to you with a proposed solution within 10 working days
- c) A response to you may compromise any of the following –
 - i) A recommendation or remedy for the complaint;
 - ii) A dismissal of the complaint with reasons as to why it was dismissed; or
 - iii) An apology (if applicable) with appropriate action against any persons involved.
- d) Where you are not satisfied with the outcome or handling of the complaint, you have the right to complain to the Information Regulator.

11. Who to contact about your personal information

Access to information requests can be made by email info@blueh.co.za, addressed to the Information Officer. Once the request is received, the Information Officer and/or the Deputy Information Officer will verify the identity of the data subject prior to handing out/disclosing any personal information. All requests will be considered against this Privacy Standard. The Information Officer and or/ the Deputy Information Officer will process all requests within a reasonable time.