

# **HN Collection Services (Pty) Ltd - Privacy Policy**

## **1. INTRODUCTION**

1.1 HN Collection Services (Pty) Ltd of registration number 2020/909350/07 (hereinafter referred to as "HN"), in order to carry out its goals and business objectives as a end-to-end debt collection company, does and will on an on-going basis collect, store, transfer, and use personal information.

1.2 The Protection of Personal Information Act 4 of 2013 (hereinafter referred to as "POPIA") aims to give effect to the constitutional right to privacy by introducing measures that regulate every step of how personal information belonging to both individuals and juristic entities is collected, stored, transferred and used by both private and public bodies, from the moment of collection, until the moment of destruction, in order to ensure that personal information is processed and managed in a fair, transparent, and secure manner.

1.3 HN is committed to protecting individuals and juristic entities right to privacy and in consequence, undertakes to responsibly process personal information in line with the provisions of POPIA. HN does this not only to comply with the provisions of POPIA, but also to protect its reputation, as well as to be a good corporate citizen.

1.4 The purpose of this policy is to create a general framework aimed at setting out the manner in which HN processes personal information.

1.5 This privacy policy is applicable to all of HN's electronic platforms and facilities, including but not limited to social media platforms, websites, and emails.

1.6 This privacy policy is also applicable to all of HN's employees, clients, vendors, contractors, suppliers and any other third parties whose personal information may be collected, stored, transferred, used, or processed in any other way by HN.

## **2. DEFINITIONS**

2.1 The following definitions apply to this policy;

2.1.1 **Client** - The term Client is expansively defined in this Privacy Policy and means the person to whom personal information relates which may include employees, clients, prospective clients, vendors, contractors, suppliers and any other third parties whose personal information may be processed by HN.

2.1.2 **CPA** - means the Consumer Protection Act, 68 of 2008;

2.1.3 **Companies Act** - means the Companies Act, 71 of 2008;

2.1.4 **Competent person** - means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a minor;

2.1.5 **Consent** - means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;

2.1.6 **Information Officer** - means the Chief Executive Officer or the Managing Director or equivalent officer of HN or any person duly authorised by the Chief Executive Officer or the Managing Director to act as Information Officer;

2.1.7 **Operator** - means a person who processes personal information for HN in terms of a contract or mandate, without coming under the direct authority of HN

2.1.8 **PAIA** - means the Promotion of Access to Information Act, 2 of 2000

2.1.9 **Personal Information** - means information relating to an identifiable, living, natural Client, and where it is applicable, an identifiable, existing juristic Client, including, but not limited to—

2.1.9.1 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 Client;

2.1.9.2 information relating to the education or the medical, financial, criminal or employment history of the Client;

2.1.9.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the Client;

2.1.9.4 the biometric information of the Client;

2.1.9.5 the personal opinions, views or preferences of the Client;

2.1.9.6 correspondence sent by the Client that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;

2.1.9.7 the views or opinions of another individual about the Client; and

2.1.9.8 the name of the Client, if it appears with other personal information relating to the Client or if the disclosure of the name itself would reveal information about the Client;

2.1.10 **Processing** - means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—

2.1.10.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;

2.1.10.2 dissemination by means of transmission, distribution or making available in any other form; or

2.1.10.3 merging, linking, as well as restriction, degradation, erasure or destruction of information;

2.1.11 **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;

2.1.12 **Special Personal Information** - means information relating to—

2.1.12.1 the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or

2.1.12.2 the criminal behaviour of a data subject to the extent that such information relates to—

2.1.12.2.1 the alleged commission by a data subject of any offence; or

2.1.12.2.2 any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

2.1.13 **UIF** - means the Unemployment Insurance Act, 63 of 2001.

### **3. PERSONAL INFORMATION COLLECTED**

3.1 In order to conduct its business, HN may collect the following personal information and special personal information;

3.1.1 A Client's name, surname, physical address, email address, telephone and/or cellphone number, postal code and ZIP code.

3.1.2 A Client's debt book which will include the personal information and special personal information of a Client's debtors.

3.1.3 A Client's IP address, browser type, domain names, access time, and cookies.

3.2 HN may collect additional pieces of personal information and special personal information by agreement between itself and the Client.

#### **4. PROCESSING PURPOSE**

4.1 HN undertakes to process the personal information of its Client's to the extent, and in such a manner as is necessary to provide the goods and services agreed upon, and in accordance with the written instructions of the Client, unless required to do otherwise by law.

4.2 HN further undertakes to, at all times reasonably process personal information and is accordingly committed to processing personal information in an adequate, relevant and non-excessive manner.

4.3 HN will accordingly process the personal information of its Clients for the following purposes:

4.3.1 To act on, or respond to instructions or requests for the provision of products and/or services related to HN's business;

4.3.2 To fulfil any contractual obligations and/or responsibilities which may arise in terms of a contract entered into with HN as a Responsible Party, Operator or Contracting Party in any other capacity;

4.3.3 In order to comply with any compulsory obligations and/or responsibilities under South African laws and regulations, including but not limited to POPIA, CPA, UIF and the Companies Act;

4.3.4 For Human Resources and Labour Relations purposes in the case of prospective, existing and former employees;

4.3.5 For market research, analytical and statistical purposes;

4.3.6 For general administrative purposes;

4.3.7 For direct marketing purposes in limited circumstances;

4.3.8 For business transaction purposes such as but not limited to a merger, acquisition or any form of sale of any assets;

4.3.9 For the purpose of helping HN improve and customise Client's website experience, which will include but is not limited to the processing of personal information in the form of http cookies;

4.3.10 For audit and record keeping purposes; and

4.3.11 For any other legitimate purpose related to the functions and activities of HN.

## **5. INFORMATION SHARING**

5.1 In order to perform the purposes described above, HN may from time to time share a Client's personal information with the following parties:

5.1.1 HN employees, which will only be done on a need to know basis;

5.1.2 HN suppliers and vendors, which will only be done on a need to know basis;

5.1.3 HN's carefully selected business partners who provide products and services, which may be of benefit to a Client, which will only be done on a need to know basis;

5.1.4 HN operators such as service providers and agents who perform services on behalf of HN, which will only be done on a need to know basis and in terms of a HN operator agreement.

5.2 HN does not share or process Client's personal information with any third parties who have not been described in clause 5.1 above, unless:

5.2.1 HN is legally obliged to provide such information to another to comply with an obligation imposed by law;

5.2.2 It is necessary for the purpose of fulfilling the contractual obligations of a contract entered into between the Client and HN;

5.2.3 It is necessary for pursuing the legitimate interests of HN or of a third party to whom the information is supplied;

5.2.4 it is necessary in order to protect a legitimate interest of the Client; or

5.2.5 The consent of the Client has been obtained.

5.3 Under all the above-mentioned circumstances HN will take reasonable measures to ensure that such personal information is only provided to the recipient, if such recipient undertakes to keep the personal information secure and confidential.

5.4 The duty of security and confidentiality held by the recipient will continue even after the termination or expiry of their services.

5.5 HN is committed to ensuring that the personal information that it processes is obtained directly from its Clients.

5.6 Notwithstanding the provisions of clause 5.5 HN may and will process personal information not obtained directly from its Clients in the following circumstances:

5.6.1 The personal information is contained in or derived from a public record or has deliberately been made public by the Client.

5.6.2 The Client or a competent person where the Client is a minor has consented to the collection of the information from another source.

5.6.3 The collection of the personal information from another source would not prejudice a legitimate interest of the Client.

5.6.4 The collection of the information from another source is necessary to comply with an obligation imposed by law.

5.6.5 The collection of the information from another source is necessary for the purpose of proceedings in any court of law or tribunal that has commenced or is reasonably contemplated.

5.6.6 The collection of the information from another source is necessary to maintain the legitimate interest of HN or of a third party to whom the information is supplied.

5.6.7 When obtaining the personal information directly from the Client would prejudice the lawful purpose for which it is collected; and where

5.6.8 Obtaining the personal information directly from the Client is not reasonably practicable.

5.7 The personal information of Clients may also be further processed, but only in accordance or in a manner compatible with the purpose for which the personal information was obtained as provided for in clause 4.3 above.

## **6. SECURITY SAFEGUARDS**

6.1 HN has implemented the appropriate technical and organisational security measures which are required in order to protect all personal information which it holds, from and against unauthorised access, accidental or willful manipulation and loss or destruction.

6.2 While HN takes all reasonable efforts to safeguard the personal information which it holds, it cannot be held responsible for any loss or unauthorised processing of personal information which is beyond HN's reasonable control.

6.3 The HN website may contain links to other websites outside of HN's control, accordingly HN is not responsible for the content, privacy or security of these other third party controlled websites.

6.4 HN has placed cookies on its website which may make contact with a Client's device to help make the HN social media and electronic platforms website better.

6.5 HN may make use of social plugins of social networks such as Facebook, YouTube, Twitter, Instagram, LinkedIn and Google. Kindly note that HN has no influence on or control over the extent of the data retrieved by the social networks interfaces and HN can accordingly not be held responsible or liable for any processing or use of personal information transmitted via these social plugins.

6.6 For information on the purpose and extent of the data retrieval by the social network concerned, and about the rights and settings which are available to protect the personal information of Clients, please refer to the privacy policy provided by the social network concerned.

## **7. DATA RETENTION**

7.1 HN will not retain the personal information of Clients for longer than is necessary for achieving the purpose for which the information was collected, stored, transferred, used or processed in any other way.

7.2 Personal information obtained for any of the purposes set out in clause 4.3 will be retained for as long as there is an active and existing relationship between HN and the Client.

7.3 The Personal Information of inactive former Clients will be retained only when it is required or authorised by law, for any lawful purposes related to HN functions or activities, by a contract between HN and the former Client, by consent of the former Client or a competent person where the information relates to a minor.

7.4 Should there be no valid reason as set out in 7.3 for retaining the personal information of former clients, the record of personal information will be destroyed or deleted or alternatively de-identified.

7.5 The destruction, deletion or de-identification of a record of personal information in terms of clause 7.4 will be done in a manner that prevents its reconstruction in an intelligible form.

7.6 HN will not process personal information if its accuracy is contested by the Client.



## **8. CLIENT PARTICIPATION AND INFORMATION QUALITY**

8.1 A Client, having provided adequate proof of identity, may request HN to confirm, free of charge, whether or not HN holds personal information about the Client.

8.2 A Client, having provided adequate proof of identity, may also request the record or description of the personal information about the Client that is held by HN. This record or description of the record will be provided within a reasonable time, at a prescribed fee.

8.3 Whilst HN will take reasonably practicable steps to ensure the integrity and accuracy of a Client's personal information, this may not at all times be possible. It is accordingly the responsibility of the Client to update HN of any changes to their personal information.

8.4 Clients have the right to access or request a correction or deletion of any personal information which HN may have and where applicable may ask HN to update any inaccuracies in such personal information.

8.5 Clients have the right to request the destruction or deletion of any record of personal information which HN may have.

## **9. PERSON INFORMATION OF MINORS**

9.1 In the unlikely event that HN collects, stores, transfers, uses or processes in any way the personal information of a minor, it will do so only with the consent of the minor's parent or legal guardian, unless the processing is necessary for the establishment, exercise or defence of a right or obligation in law.

## **10. CROSS BORDER TRANSFER OF PERSONAL INFORMATION**

10.1 HN will not transfer personal information about a Client to a third party who is in a foreign country, unless the third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that is the same or substantially similar to the level of protection offered by POPIA.

10.2 HN may also transfer the personal information of a Client to a third party who is in a foreign country in the following circumstances;

10.2.1 Where the Client consents to the transfer;

10.2.2 Where the transfer is necessary for the performance of a contract between the Client and HN;

10.2.3 Where the transfer is for the benefit of the Client and it is not reasonably practicable to obtain the consent of the Client to that transfer and if it were reasonably practicable to obtain such consent, the Client would be likely to give it.

## **11. REVOCATION OF CONSENT**

11.1 A Client may at any time withdraw their consent to the processing of any of their personal information held by HN, as the Client has the right to request the withdrawal of their consent to the processing of any personal information held by HN.

11.2 The lawfulness of the processing of personal information before the withdrawal of consent will not be affected.

## **12. INCIDENT RESPONSE**

12.1 HN shall notify the Client within a reasonable time and in writing, if it becomes aware or has reasonable grounds to believe that the personal information of Clients has been accessed or acquired by unauthorised persons.

12.2 HN undertakes further to promptly take action, at its own reasonable expense, to investigate any such suspected breach and to identify, prevent and mitigate the effects of any such breach.

12.3 HN will immediately after the discovery of the compromise provided for in clause 12.1, in writing and in accordance with the provisions of POPIA notify the Information Regulator.

## **13. REVISION OF POLICY**

13.1 HN reserves the right to and may from time-to-time update or amend this Privacy Policy.

13.2 If material amendments are made in how personal information is collected, stored, transferred, used or processed in any other way, this Privacy Policy will be updated and notices will be provided where appropriate.

13.3 Any general updates or amendments of this Privacy Policy will be published as such on the HN website.

13.4 By continuing to use the HN website or any of the other HN products and services following any updates or amendments, the Client will be deemed to have agreed to such changes.

13.5 Clients are advised to visit and re-read this Privacy Policy on a regular basis.

#### **14. COMPLAINTS**

14.1 Should a Client believe that HN has used their personal information contrary to this Privacy Policy, Client's have the right to lodge a complaint with the Information Regulator.

14.2 Notwithstanding the provisions of clause 14.1, HN encourages Clients to first follow internal complaints processes in order to resolve the complaint.

14.3 If, thereafter, Clients feel that HN has not adequately resolved their complaint, kindly contact the Information Regulator, whose contact details are as follows;

14.3.1 Physical address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

14.3.2 Postal address: P.O Box 31533, Braamfontein, Johannesburg, 2017

14.3.3 Complaints email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

14.3.4 General enquiries email: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)