

RUBICON TRUST COMPANY LTD – PRIVACY POLICY

1. BACKGROUND:

The Protection of Personal Information Act (hereafter referred to as 'POPIA') was signed into law on 19 November 2013 and came into effect on 01 July 2021.

The Protection of Personal Information Act 4 of 2013 aims:

- To promote the protection of personal information processed by public and private bodies;
- To introduce certain conditions so as to establish minimum requirements for the processing of personal information;
- To provide for the establishment of an Information Regulator to exercise certain powers and to perform certain duties and functions in terms of this Act and the Promotion of Access to Information Act, 2000;
- To provide for the issuing of codes of conduct;
- To provide for the rights of persons regarding unsolicited electronic communications and automated decision making;
- To regulate the flow of personal information across the borders of the Republic; and
- To provide for matters connected therewith.

2. PRINCIPLES

Rubicon Trust Company Ltd has implemented the following approach concerning Personal Information:

- To only process personal information when the 8 conditions of POPIA are present;
- To be transparent in its standard operating procedures that govern the collection and processing of Personal Information;
- To comply with all applicable legal and regulatory requirements regarding the processing of Personal Information;
- To process Personal Information in a manner compatible with the purpose for which they were collected;
- To strive to keep Personal Information accurate, complete and up-to-date and reliable for their intended use;
- To develop reliable, safe and sustainable means of protecting the Personal Information of individuals whether physically or digitally so as to prevent leakage, loss, alteration or misuse of said information;
- When consigning to outside entities for the protection of said information, Rubicon Trust Company will only select those with the ability to safeguard and manage said information;
- This policy will be made known to Rubicon Trust Company employees, prospective employees and clients;
- Rubicon Trust Company will continue to improve this policy and all other systems for the protection of Personal Information so as to adapt to a changing environment or according to legal needs.

3. PERSONAL INFORMATION COLLECTED BY RUBICON TRUST COMPANY (PTY) LTD

Personal Information is defined by POPIA as information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:

- 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;
- Information relating to the education or the medical, financial, criminal or employment history of a person;
- Any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- The fingerprints or other biometric information of the person;
- The personal opinions, views or preferences of the person;
- Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the content of the original correspondence;
- The views or opinions of another individual about the person; and
- 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.

Depending on the type of business Rubicon Trust Company conducts with you or the relationship you have with Rubicon Trust Company, the company may process any of the types of Personal Information as defined above, although it will only be processed in so far as it is adequate, necessary, relevant and not excessive in relation to the purposes for which it is required.

4. PURPOSE FOR WHICH PERSONAL INFORMATION IS COLLECTED BY RUBICON TRUST COMPANY

Primarily, Rubicon Trust Company uses your Personal Information to conduct business activities in order to conclude a contract or transaction with you and to carry out the obligations in terms of that contract or transaction.

The purpose for which Rubicon Trust Company uses your Personal Information is ultimately dependent on their relationship with you and will include amongst others:

4.1 Clients

- Identify you and conduct appropriate checks, audits and procedures;
- Marketing and promotions (including contacting you for such purposes);
- Administer and manage the services they offer to you;
- Address and resolve complaints
- Provision of access to Rubicon Trust Company's premises
- Get a full understanding of you, your needs and how you interact with them in order for them to engage in product and service research, development and business strategy including managing the delivery of their services via the ways they communicate with you.

4.2 Service Providers

- Identify the company and conduct appropriate checks, audits, due diligence and procedures;
- Payment for the goods and/or services acquired and used;
- Communication on relation to the goods and/or services supplied;
- Review, compare and evaluate the goods and/or services supplied;
- Record keeping in accordance with the applicable legislation;
- Performance of the other parties' respective obligations under the applicable agreement for the supply of the goods and/or services.

4.3 Employees or prospective employees

- Identify you and conduct appropriate checks, audits and procedures;
- Payment of employment benefits and related deductions;
- Record keeping and reporting in accordance with the applicable legislation;
- Contacting purposes;
- Provision of access to their premises;
- Review and evaluate your work experience and qualifications; and
- Recruitment purposes.

Further to the above, Rubicon Trust Company may use your Personal Information to:

- Pursue their legitimate interests such as to compile reports and statistical analysis;
- Comply with requests for information from any internal or external auditor, or any regulatory body;
- Provide you with information about their products (see Marketing section below);
- Meet legal and regulatory requirements to which they may be subject;
- Use in connection with legal proceedings; and
- Assist with any criminal or similar investigation where the law requires it.

Rubicon Trust Company may share your information with the following third parties:

- Those required in order to meet Rubicon Trust Company's transactional or contractual obligations to you;
- Rubicon Trust Company's external auditors;
- Regulators, governments and law enforcement authorities.

Where Rubicon Trust Company shares your personal information with the above third parties, the latter will be obliged to use that personal information for the reasons and purposes it was disclosed for. To this end, they have agreements in place with third parties to ensure this.

Your personal information may also for cloud storage purposes or through the use of their website, be transferred or processed outside of the Republic of South Africa. Any disclosures of your personal information to third parties outside South Africa are done in line with the requirements set out in Section 72 of POPIA.

Unless you have consented, Rubicon Trust Company will not sell, exchange, transfer or otherwise make available any personal information about you to any other parties and you indemnify Rubicon Trust Company from any unintentional disclosure of such information to unauthorized persons.

You may refuse to provide Rubicon Trust Company with your personal information in which case it is likely that they will not be able to meet our obligations to you or would have to terminate our relationship.

In all other situations, Rubicon Trust Company will not disclose your personal information without notifying you and enabling you to object.

5. HOW RUBICON TRUST COMPANY COLLECTS PERSONAL INFORMATION

- 5.1 Directly from you: the company collects most personal information directly from you through consultations, meetings and applications for employment positions. Rubicon Trust Company is required to verify the identity of their clients therefore they will ask you to provide them with various personal information.
- 5.2 From third parties: occasionally Rubicon Trust Company will collect or process personal information obtained from third party sources or in the public domain, such as credit and fraud checks. They will inform you prior to conducting credit and fraud checks.

6. MARKETING

If you are a current client, Rubicon Trust Company may contact you from time to time to inform you of services that they provide. Rubicon Trust Company may also provide you with material with appropriate content as a value-add client service. Rubicon Trust Company may invite you to events that they hold and send you updates on current legal developments.

You may object to the above at any point and Rubicon Trust Company will stop contacting you with regards to marketing with immediate effect.

7. RETENTION PERIOD OF PERSONAL INFORMATION

In accordance with POPIA, Rubicon Trust Company will keep your personal information on record for as long as:

- It is legally obliged to do so;
- A contract or agreement with you requires us to keep it;
- You have consented to them keeping it;
- They reasonably require it to achieve the purpose set out in terms of the transaction or contract with you;
- They require it for legitimate business purposes; or
- There is ongoing litigation, investigation, tax or other regulatory query relating to the personal information.

8. YOUR RIGHTS AS A DATA SUBJECT

As a data subject you have a legal right in terms of POPIA to:

- Request access to your Personal Information that Rubicon Trust Company holds;

- Request correct and/or deletion of your Personal Information they hold;
- Request the restriction of or object to the processing of your Personal Information they hold;
- Withdraw your consent to the processing of your Personal Information;
- Withdraw your consent to receiving marketing messages from Rubicon Trust Company; and
- Complain to the Information Regulator as set out below.

Important to note with regards to your rights is the following:

- Rubicon Trust Company will require adequate proof of identification from you prior to responding to you (which they will do within a reasonable time);
- Rubicon Trust Company will correct or delete information unless they are required or entitled to keep such information under applicable laws, in which case they will inform you.
- If Rubicon Trust Company believes information does not require correction, they will provide you with credible reasoning for such.

9. COOKIES

Rubicon Trust Company's websites make use of "cookies" to automatically collect information and data through the standard operation of the Internet servers. "Cookies" are small text files a website can use (and which they may use) to recognise repeat users, facilitate the user's on-going access to and use of a website and allow a website to track usage behaviour and compile aggregate data that will allow the website operator to improve the functionality of the website and its content, and to display more focused advertising to a user by way of third party tools. The type of information collected by cookies is not used to personally identify you. If you do not want information collected through the use of cookies, there is a simple procedure in most browsers that allows you to deny or accept the cookie feature.

Please note that cookies may be necessary to provide you with certain features on their website, and thus if you disable the cookies on your browser you may not be able to use those features and your access to their website will therefore be limited.

10. SECURITY BREACHES

Rubicon Trust Company has implemented appropriate technical and structural security measures to protect Personal Information that is in its' possession against accidental or illegal damage, loss, modification, unauthorised disclosure, or unauthorised access, in accordance with applicable laws. Despite these measures, you acknowledge that Personal Information may be accessed by an unauthorised third party.

In the event of a data breach leading to the accidental or illegal damage, loss, modification, unauthorised disclosure or any unauthorised access to any personal information that has been transmitted, stored or otherwise processed by Rubicon Trust Company, the company has the relevant instruments and policies in place in order to cater for and assess the details relating to any such data breach in a prompt and efficient manner.

Once an employee becomes aware of a breach, they will inform either the Information Officer or Deputy Information Officer or one of the directors of Rubicon Trust Company if neither of the former two are available at the time of the breach. The breach will be reviewed, and the severity will be determined in order to ascertain the correct action to be taken.

Should the breach be software, hardware or computer related, the company's service provider DOTCLOUD will be notified immediately, and they will notify us on the severity as well as how to proceed.

Once the incident has been dealt with, it will be evaluated on how said incident could have been avoided and all employees will be made aware of this in order to continue to better ourselves.

Rubicon Trust Company will notify you of any data breach as soon as possible in accordance with POPIA.

When Rubicon Trust Company contracts with third parties, they conclude agreements with them in terms of which they impose appropriate security, privacy and confidentiality obligations on them to ensure that personal information is kept secure. Whilst Rubicon Trust Company will do all things reasonably necessary to protect your rights of privacy, the company cannot guarantee or accept any liability whatsoever for unauthorized or unlawful disclosures of your personal information, whilst in their possession, made by third parties who are not subject to their control, unless such disclosure is as a result of their gross negligence.

If you disclose your personal information to a third party, such as an entity that operates a website linked to Rubicon Trust Company's website or anyone other than Rubicon Trust Company, the company shall not be liable for any loss or damage, howsoever arising, suffered by you as a result of the disclosure of such information to the third party. This is due to the fact that the company does not regulate or control how that third party uses your personal information. You should always ensure that you read the privacy policy of any third party.

11. ACCESS TO AND CORRECTION OF PERSONAL INFORMATION

You may access and correct, if necessary, your personal information that Rubicon Trust Company are holding by emailing their Information Officer or Deputy Information Officer:

Information Officer:

Name – Neveesh Naicker

Email address – neveesh@rubicontrust.co.za

Deputy Information Officer:

Name- Tasneem Pandor

Email address – tasneem@rubicontrust.co.za

12. THE INFORMATION REGULATOR

Should you wish to lodge a complaint with the Information Regulator related to this Privacy Policy, you may do so in the prescribed manner and form.

The address of the Information Regulator is as follows:

The Information Regulator (South Africa)

33 Hoofd Street

Forum 111, 3rd Floor Braampark

PO Box 31533

Braamfontein, Johannesburg, 2017

Complaints email: complaints.IR@justice.gov.za

General enquiries email: infoereg@justice.gov.za