

# DEALERSONLINE

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## WEBSITE PRIVACY STATEMENT

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## 1. DEFINITIONS

<b>“Company”</b>	means DealersOnline (Pty) Ltd, a company duly incorporated in accordance with the laws of the Republic of South Africa, with registration number 2015/116638/07 and with address at GF001B Phumelela Park, Cnr of Montague Drive & Racecourse Road, Montague Gardens, Cape Town, 7441, and shall include all its affiliates and subordinates in title;
<b>“Data”</b>	means electronic representations of information in any form and for purposes of this Privacy Statement shall include Personal Information;
<b>“Data Subject”</b>	means the Person to whom the Personal Information relates;
<b>“ECTA”</b>	means the Electronic Communications and Transactions Act, No.25 of 2002 as amended;
<b>“FICA”</b>	means the Financial Intelligence Centre Act, No.38 of 2001 as amended;
<b>“Information Officer”</b>	means the duly appointed Information Officer of the Company in accordance with POPIA;
<b>“PAIA”</b>	means the Promotion of Access to Information Act, No.2 of 2000 as amended;
<b>“Person”</b>	means a natural or juristic person;
<b>“Personal Information”</b>	<p>shall have the same meaning ascribed thereto in section 1 of POPIA, of which means information relating to an identifiable, living, natural person and where applicable, an identifiable, existing juristic person, including, but not limited to:</p> <ul style="list-style-type: none"> <li>a) information relating to race, gender, sex, pregnancy, marital status, nationality, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of a person;</li> <li>b) information relating to education, medical, financial, criminal or employment history;</li> <li>c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or any other particular assignment of the person; biometric information; personal opinions, views or preferences to the person;</li> <li>d) biometric information of the person;</li> <li>e) personal opinions, views or preferences of the person;</li> </ul>

- 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 and opinions of another individual about the person;
- 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.

<b>“POPIA”</b>	means the Protection of Personal Information Act, No.4 of 2013;
<b>“Potential User”</b>	means a Person who is in the process of being registered on the Website to become a User;
<b>“Privacy Statement”</b>	means this Website Privacy Statement of the Company;
<b>“Processing”</b>	shall have the same meaning ascribed to it in section 1 of POPIA, of which for ease of reference purposes means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including: <ul style="list-style-type: none"> <li>a) The collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;</li> <li>b) Dissemination by means of transmission, distribution or making available in any other form; or</li> <li>c) Merging, linking, as well as restriction, degradation, erasure or destruction of information;</li> </ul>
<b>“Proxy”</b>	means the duly authorised natural person who uses and acts on behalf of the registered User on the Website;
<b>“Regulator”</b>	means the Information Regulator established in terms of section 39 of POPIA;
<b>“User”</b>	means a Person that is duly registered on the Website to potentially view and/or participate in auctions as either buyer and/or seller;
<b>“Visitor”</b>	means a Person who only visits the Website and which does not fall within the scope of a User or Potential User as defined herein;
<b>“Website”</b>	means the website of the Company <a href="https://www.dealersonline.co.za">https://www.dealersonline.co.za</a> and for purposes of this Privacy Statement shall include all DealersOnline Platforms and Apps.

## 2. INTRODUCTION

- 2.1 This is the Privacy Statement of the Company (also referred herein as **“we”** or **“us”**). This Privacy Statement shall apply to the Personal Information of the visitors to our Website, and

all of our Users and Potential Users who engage with us in any manner (herein collectively also referred to as, “**you**” or “**your**”).

- 2.2 Use of the Website is also subject to our Terms and Conditions available at <https://www.dealersonline.co.za/site/terms>. Your relationship with us as a User or Potential User can in addition to the aforementioned Terms and Conditions also further be subject to any other separate terms as concluded between you and us.
- 2.3 We may need to change or update this Privacy Statement from time to time. Any updated versions will be posted on the Website and will be effective from the date of posting. Where practical, we may notify you in the case of such updates.
- 2.4 This Privacy Statement does not apply to other third-party sites which may be accessible from our Website. These third-party sites may have their own privacy policies and terms and conditions and its encouraged and advised that you read them before using them.
- 2.5 By accessing and/or registering on the Website you herewith agree to collect and process your Personal Information and provide us with the necessary consent to conduct the necessary due diligence checks as required (where applicable). In the case of a Proxy acting on behalf of another Person you agree that you are duly authorised to submit the required information and documentation as well as obtained the required consent of the Person whose Personal Information is being provided and required in terms hereof.

### **3. WHAT PERSONAL INFORMATION DO WE COLLECT?**

- 3.1 The Company shall respect your privacy rights and comply with all applicable laws in handling your Personal Information at all times. Any Personal Information that we collect, will be treated as confidential.
- 3.2 Upon registration on our Website, the Company shall request for your Personal Information in order to establish a client profile with us as well as to ensure compliance with FICA. Such information can include (but are not limited to) the following:
  - Company CK registration / Individual ID;
  - Proxy certified ID documents;
  - Company Certified Utility Bill;
  - Company Resolution Mandate;
  - Ultimate Beneficial Ownership Structure;
  - Source of Funds;
  - Trust Deed/Will;
  - Letter of Authority (Proxy);
  - VAT certificate; and
  - Company BRNC document

## 4. PROCESSING OF PERSONAL INFORMATION

### 4.1 Process of Collecting Personal Information

- 4.1.1 The Company will always collect Personal Information in a fair, lawful and reasonable manner to ensure that your privacy is protected and based on legitimate grounds for collection.
- 4.1.2 The Company shall as far as reasonably possible collect Personal Information from you directly, but there may be instances where it can be collected from third-parties. Collection from such third-parties may include:
- (i) Credit reference agencies;
  - (ii) Other companies providing services to us;
  - (iii) Publicly available sources.

### 4.2 General Procedure for Collecting Personal Information

- 4.2.1 All registrations are conducted via the DealersOnline Website. When registering as a new User, the Website will prompt you to provide the applicable FICA information based on the type of entity you are attempting to register (e.g. Legal Entity / Trust / Sole Proprietor).
- 4.2.2 After providing the necessary aforementioned information, the system shall populate a portal where applicable FICA supporting documentation must be uploaded.
- 4.2.3 The Company shall conduct the necessary due diligence checks on the information and documentation submitted and uploaded. As soon as this process is completed upon satisfaction of the Company, you will be given full access to our auction Website.
- 4.2.4 In the case where insufficient or incorrect documentation was provided, we shall notify you via telephone and/or email requesting the outstanding documents.
- 4.2.5 Your access to our auction Website shall be delayed and placed on hold until such time that all outstanding documentation has been received and the necessary due diligence procedure has been completed upon satisfaction of the Company.
- 4.2.6 Once the due diligence procedure is completed with satisfactory results, you will be deemed FICA compliant and bidding access to our auction Website will be provided.
- 4.3 In the case where you would like to object to the Processing of your Personal Information, you are advised to complete and submit **Form POPI/OPPI** provided for in **Appendix 6** within our **PAIA Manual**, to the contact details provided for of the Information Officer of the Company below. However, take note that certain Personal Information is required for Website access and transactional purposes and that by submitting this objection for any

required Personal Information can lead to the inability to gain access or concluding transactions.

## **5. WHY DO WE COLLECT YOUR PERSONAL INFORMATION?**

- 5.1 The purpose for why the Company is processing your Personal Information shall always be for a specific, lawful and clear purpose and the Company shall as far as reasonably possible ensure you are aware of such purpose.
- 5.2 The most general use of Personal Information is for purposes required by the Company to operate and manage its normal business operations, this is inclusive of (but not limited to) the following:
  - 5.2.1 The Company requires this Personal Information in order to ensure that we can provide our services to you sufficiently and successfully.
  - 5.2.2 The Company has a legal requirement in terms of FICA to conduct the necessary KYC (Know Your Client) and Due Diligence procedures with regards to our Users and Potential Users.
  - 5.2.3 To gain insight on how our Website is used and gain insight on where we can improve our Website service.
  - 5.2.4 Provide feedback and respond to enquiries received by the Company.
  - 5.2.5 For the purpose of payment processing functions.
  - 5.2.6 Such other purposes you have provided your consent for.
  - 5.2.7 Such other purposes as authorised in terms of applicable law.
  - 5.2.8 We may handle anonymised information for research or analytics purposes or including it in our publications and share this information with third parties. You will not be identifiable from this information.

## **6. SHARING OF PERSONAL INFORMATION**

- 6.1 We may disclose your Personal Information to third-parties as required by law, where it is necessary to give effect to a contract or transaction with you, or where we have a legitimate interest in doing so. We may disclose your Personal Information to:
  - 6.1.1 third-party internal and external auditors, our employees, contractors or third-party service providers in connection with the Website, and our business operators;
  - 6.1.2 our insurers, underwriters and professional advisors, including our accountants, lawyers, business advisors and consultants;
  - 6.1.3 employees and/or the managers of any entities through which they operate if we merge, combine or divest a part of our business;
  - 6.1.4 law enforcement or regulatory bodies as required by law; and

- 6.1.5 any other juristic or natural person for any authorised purpose with your express consent.
- 6.2 The Company shall ensure that in the case where your Personal Information is shared with third-party service providers, that they shall process the Personal Information in accordance with this Privacy Statement, all other applicable internal policies and POPIA.
- 6.3 Third-party service providers shall not use or have access to Personal Information other than the purpose specified by us with at least the same or better level of security to protect your Personal Information.
- 6.4 The Company will never sell your Personal Information.

## **7. CROSS-BORDER TRANSFER OF PERSONAL INFORMATION**

- 7.1 The Company shall only transfer your Personal Information outside of South Africa where consent of such transfer has been provided or where its required and as necessary for storage or security purposes or in order to fulfil the purpose of its collection.
- 7.2 In the case where the Company does transfer your Personal Information outside of south Africa, the Company shall ensure that the Personal Information is only used for the specified purpose and that the requirements as set out in this Privacy Statement, other applicable policies and requirements set out in POPIA are being complied with.

## **8. MANAGEMENT OF PERSONAL INFORMATION**

All Personal Information Processed by the Company shall be retained in a safe and secured manner at all times. The Company shall at minimum ensure that these procedures in the management of your Personal Information are followed:

### **8.1 Storage, Retention & Deletion of Data:**

- 8.1.1 All Personal Information collected or received by the Company shall be stored in a safe and secured environment.
- 8.1.2 The Company shall as far as reasonably possible attempt to store all Personal Information in an electronic format.
- 8.1.3 In the case where copies of physical records of Personal Information are received, then the Company shall take all reasonable efforts to make a copy thereof in electronic form and ensure that the physical record is destroyed.
- 8.1.4 The Company shall take all reasonable measures to ensure that records of Personal Information in our possession is only retained for the period as necessary for achieving the purpose of its collection. Records of Personal Information shall only be retained for a longer period if:
  - a) the retention is required and authorised by applicable law;

- b) the retention is required for the performance and/or the conclusion of a contract of which the Data Subject is a party to;
- c) the Data Subject has provided consent for the longer period;
- d) the retention is required for any other lawful purpose.

8.1.5 We shall ensure that all Personal Information no longer required to be retained for the purposes set out in 8.1.4 above shall as soon as possible be either destroyed, deleted or de-identified.

8.1.6 You may submit a formal request to us to delete your Personal Information in our possession, with due regard and subject to 8.1.4 above, by completing the applicable part and submitting **Form RCDPI/DDRPI** provided for in **Appendix 7** of our **PAIA Manual** to the contact details provided for of the Information Officer of the Company below.

## **8.2 Update / Correction of Data:**

8.2.1 We shall take all reasonable steps to ensure that your Personal Information are up to date.

8.2.2 Where there are any changes to your Personal Information provided to us, you must notify us as soon as possible of such change and provide us with the respective supporting documentation.

8.2.3 In the case where we notice any discrepancies with regards to the Personal Information provided, we shall notify you directly via telephone and/or email.

8.2.4 If you notice that any Personal Information has been incorrectly captured by us, its best advised to notify us as soon as possible to correct the mistake.

8.2.5 You may submit a formal request to us to update or correct your Personal Information in our possession, by completing the applicable part and submitting **Form RCDPI/DDRPI** provided for in **Appendix 7** of our **PAIA Manual** to the contact details provided for of the Information Officer of the Company below.

## **8.3 Safety and Security of Personal Information**

8.3.1 As the Website is accessible via the internet, and the internet is inherently insecure, we cannot guarantee the security of information you send to us online (including that it will not be intercepted). You send information to us online at your own risk.

8.3.2 The Company shall take all reasonable measures to ensure a safe and secure environment of your Personal Information.

8.3.3 The Company shall take all appropriate, reasonable technical and organisational measures to prevent loss, unlawful access and unauthorised destruction of Personal Information in its possession or under its control.



- 8.3.4 The Company shall conduct regular testing to assess and evaluate the effectiveness of its technical organisational measures to ensure its security and safeguard measures are up to standard.
- 8.3.5 The Company shall further maintain and regularly verify that its security measures are effective and where applicable conduct regular updates to address newly identified risks (if any).
- 8.3.6 Personal Information may be kept in either electronic or hard copy form. In both cases, we take reasonable and appropriate steps to ensure that the Personal Information is protected from misuse, loss, unauthorised access, modification or disclosure.

## 9. ACCESS TO PERSONAL INFORMATION

- 9.1 You have the right to contact us at any time requesting:
  - 9.1.1 confirmation that we have your Personal Information;
  - 9.1.2 access to the records containing your Personal Information or a description of the Personal Information that we have in possession of you; and
  - 9.1.3 the identity or categories of third-parties who have had, or currently have, access to your Personal Information.
- 9.2 Details and process on how to make a request are available within our **PAIA Manual**. When making a request, we will require adequate proof of your identity. We will try to provide you with suitable means of accessing information, where you are entitled to it, by for example, posting or emailing it to you.
- 9.3 There may be instances where we cannot grant access to your Personal Information. For example, if access would interfere with the privacy of others or would result in a breach of confidentiality, we may need to refuse access. If we refuse access, we will give written reasons for the refusal.
- 9.4 If you believe that any Personal Information that we hold about you is inaccurate, irrelevant, outdated, incomplete or misleading, you are encouraged to inform us to correct it. If you believe that any Personal Information that we hold about you is excessive or have been unlawfully obtained or that we are no longer authorised to retain it, you may ask us to destroy or delete it. If we do not agree that there are grounds for action, you may ask us to add a note to the Personal Information stating that you disagree with it.
- 9.5 We may charge a reasonable fee to cover our administrative and other costs in providing the requested information to you. We will not charge for simply making a request or for making any corrections to Personal Information.
- 9.6 For further detailed information with regards to our Access to Personal Information policy kindly refer to our **PAIA Manual**.

## 10. COOKIES

- 10.1 The Website make use of "cookies" to help you personalise your online experience. A cookie is a text file that is placed on your hard disk by a Web page server. Cookies cannot be used to run programs or deliver viruses to your computer. Cookies are uniquely assigned to you and can only be read by a web server in the domain that issued the cookie to you.
- 10.2 You have the ability to accept or decline cookies. Most Web browsers automatically accept cookies, but you can usually modify your browser setting to decline cookies if you prefer. If you choose to decline cookies, you may not be able to fully experience the interactive features of the Website or respective services to be provided.
- 10.3 For more information regarding the usage of cookies on our Website kindly refer to our **Cookie Policy**.

## 11. MARKETING

- 11.1 We may, with your prior consent, use your contact details to send you details of new products or services which may be in interest for you. These communications may be sent in various forms (including by post and by email) in accordance with applicable marketing laws. If you indicate a preference for a method of communication, we will endeavour to use that method.
- 11.2 All of these communications will set out how to unsubscribe from (or opt out of) receiving future communications if you no longer wish to receive promotional material.

## 12. BREACH OF PERSONAL INFORMATION

- 12.1 A Breach of Personal Information or a Data Breach refers to an incident where on reasonable grounds it is believed that Personal Information of a Data subject has been unlawfully accessed or acquired and/or accessed or acquired by unauthorised person.
- 12.2 The Company shall address any Data Breach in accordance with the terms and recommendations set out in POPIA and any other applicable law.
- 12.3 The Company shall notify the Regulator and the affected Data subject(s) (unless applicable law requires delay of notification) in writing.
- 12.4 The Company shall provide the notification as mentioned above as soon as reasonably possibly, no later than 72 (seventy-two) hours after becoming aware of the respective Data Breach.
- 12.5 In the case where the Company is regarded as the Operator (as defined in POPIA), then the Company shall notify the Responsible Party (as defined in POPIA) immediately after becoming aware of a potential Data Breach.

### 13. THIRD-PARTY WEBSITES

This Privacy Statement does not apply to any third-party websites which may be accessible through links on the Website. We do not make any representations or warranties about the privacy practices of any third-party and do not accept any responsibility for them. Third-party website providers are responsible for informing users about their own privacy practices and we suggest that you review the privacy policies of any third-party providers whose sites you access.

### 14. ENQUIRIES & COMPLAINTS

- 14.1 If you have any questions or would like to enquire about your Personal Information in our possession, kindly contact the Information Officer of the Company on the contact details provided in clause 15 below.
- 14.2 If you believe that your Personal Information has been unlawfully accessed or acquired, you are advised to contact us as soon as possible and provide details of the incident so that we can investigate it.
- 14.3 We will treat your complaints confidentially (unless otherwise required by law), investigate those complaints and aim to ensure that they are resolved within a reasonable time, in order to provide you with appropriate feedback.
- 14.4 It is advised that if you do have any enquiries or complaints regarding your Personal Information held by us, that you must first attempt to notify us as soon as possible to resolve the matter without undue delay. However, any person who wishes to contact the Information Regulator of South Africa (the “Regulator”) if they are not in agreement with the outcome of their request, may proceed with this route by notifying the Regulator.

### 15. CONTACT INFORMATION

- 15.1 All enquiries and complaints which must be completed and submitted on the Forms as indicated below, OR if you have a general enquiry or your request is not addressed in one of the Forms you can send such enquiry, request or Form to the duly appointed Information Officer of the Company at the following address details:

**Physical Address:** GF001B Phumelela Park, Cnr of Montague Drive &  
Racecourse Road, Montague Gardens, Cape Town,  
7441.

**Email Address:** [privacy@dealersonline.co.za](mailto:privacy@dealersonline.co.za)

**Attention:** Information Officer

- 15.2 Notification shall be sent to you as soon as your request above has been received. We shall address the respective request as soon as possible and provide feedback of the outcome of your request.
- 15.3 Contact details of the Regulator are as below:

**Physical Address:** JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001.

**Postal Address:** P.O Box 31533, Braamfontein, Johannesburg, 2017.

More detailed contact information can be located on the website of the Regulator at the following address: <https://www.inforegulator.org.za/contact.html>