



PRIVACY NOTICE

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1. INTRODUCTION

This is Evolution Tel Proprietary Limited's ("Evotel") privacy notice, and which notice should be read in conjunction with our Terms and Conditions, and by making use of our website you consent to the aforementioned terms and conditions.

References to "Evotel", "we", "us", "our" and "ours" in this Privacy Statement mean Evotel.

The terms "you", "your" and "yours" when used in this Privacy Statement mean any user of any of our website.

This notice applies to all personal information of visitors to our websites (www.evotel.co.za) and all Users using Evotel products and services including, but not limited to, our fibre packages and fibre networks. Evotel respects the privacy of its Users and undertakes not to trade in or share their personal information, nor monitor their communications, except when required to do so by law or as provided for herein.

This Notice confirms how and when Evotel will gather Users' personal information and how we intend to use this information as well as safeguard it. The Notice also provides our Users with an avenue of redress where Evotel or any of its employees has infringed any of your rights in terms of applicable legislation.

Evotel may need to change or update this notice from time to time and reserves its right to do so at its discretion or in terms of any law. Any updated versions will be placed on our website and will be effective from the date of posting. Where practical we will notify you of changes.

2. COLLECTION OF PERSONAL INFORMATION

From time to time, Evotel will collect certain personal information about our Users and visitors to our website. Such information will include both identifiable personal data, as well as non-identifiable personal information. We respect your privacy rights and we comply with all applicable laws in handling personal information.

When used in this privacy statement, the term "personal information" has the meaning given to it in the Protection of Personal Information Act, 2013 (POPI). In terms of the POPI Act the following constitutes "personal information":

"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, 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”

Broadly speaking, personal information is any information that can be used to personally identify a natural or juristic person. If any information that we collect personally identifies you, or you are reasonably identifiable from it, Evotel will treat it as personal information as defined in the POPI Act.

Identifiable personal information will be collected when a User or potential User signs a contract for a service or product, register for products or services, responds to User surveys, communications and promotions or contacts the Evotel support, and/or offices and/or visits or browses our website or make use of our products and/or makes use of our network and related services. We may also, with your permission and consent and as permitted by law, collect personal information about you from other organisations or third parties where appropriate. In most cases, Evotel will collect personal information to ensure network integrity and to ensure continued provision of the most relevant content and best possible service that suits the needs of our Users. In some instances, law requires Evotel to collect personal information about Users. Except where the law requires otherwise, we undertake to protect the confidentiality of such data.

Non-identifiable information is gathered automatically when a person visits Evotel's website, those websites hosted by Evotel and the information so obtained will be stored for use in the Evotel system(s).

The type of personal information we collect will depend on the purpose for which it is collected and used, the specific purpose for which the information is collected will be apparent from the context in which the information is requested.

If you provide us with personal information relating to a third party, please make sure that you are authorised to do so.

COLLECTION OF DATA DIRECTLY FROM DATA SUBJECT – AS SECTION 12 OF THE POPI ACT

The POPI Act – specifically Section 12 thereof – specifies how Personal information may be collected and reads as follows:

1. *Personal information must be collected directly from the data subject, except as otherwise provided for in subsection (2).*
2. *It is not necessary to comply with subsection (1) if—*
 - a) *the information is contained in or derived from a public record or has deliberately been made public by the data subject.*
 - b) *the data subject or a competent person where the data subject is a child has consented to the collection of the information from another source.*
 - c) *collection of the information from another source would not prejudice a legitimate interest of the data subject.*
 - d) *collection of the information from another source is necessary—*
 - i. *to avoid prejudice to the maintenance of the law by any public body, including the prevention, detection, investigation, prosecution and punishment of offences;*
 - ii. *to comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue as defined in section 1 of the South African Revenue Service Act, 1997 (Act No. 34 of 1997);*
 - iii. *for the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated;*
 - iv. *in the interests of national security; or*
 - v. *to maintain the legitimate interests of the responsible party or of a third party to whom the information is supplied;*
 - e) *compliance would prejudice a lawful purpose of the collection; or*
 - f) *compliance is not reasonably practicable in the circumstances of the particular case.*

3. THE INFORMATION WE COLLECT

The information that we collect depends on the Evotel products and services that you subscribe to. This includes but is not limited to the following:

- your name, date of birth, home language, address, account information and email addresses.
- websites that you visit (your internet browsing history including dates and times of visits).
- your preference for particular or specific products, services and activities.
- your bandwidth and other usage/capacity/connectivity requirements and the levels of service that you require.
- your contacts with us, or one of our subcontractors or affiliates, from time to time.
- billing and account information including payment records.
- the phone numbers that you call and the date, including the time and length of calls; and
- cookies and usage data.

4. USE OF PERSONAL INFORMATION

Evotel may on occasion use and analyse your personal information to:

- contact you about promotional offers; advise you of matters relevant to service provision and in some cases, solicit your feedback.
- process goods and/or services as the case may be ordered by yourself and to keep you updated of order processing in so far as it pertains to Evotel.
- provide and maintain the relevant service to you as far as such maintenance is related to services or products offered by Evotel.
- provide User care.
- provide support and technical information.
- to detect, prevent and address technical issues.
- administer the website (as the case may be).

- protect the Evotel network and manage usage volumes of our services on our network.
- understand how you use our network, products, and/or services.
- carry our research and statistical analysis including monitoring User usage and interest;
and
- provide aggregated usage reports to third parties.

You may opt out of receiving any communications of this nature by contacting our User care representatives who will assist you.

We may also log the websites you visit, collect IP addresses and information about your operating system and the type of browser you use for the purposes of our network/ system administration and to audit the use of our site. This data, however, will not be used to identify individual users.

Any information Evotel collects from you through correspondence with us, whether via e-mail, telephonically or by written letter, will only be used to address the matters within that correspondence. If this requires referring such correspondence to other departments within Evotel or to a third party such as an Internet Service Provider (ISP) to ensure User service, your personal information will only be disclosed to the point necessary to address your query or concerns and will otherwise be kept confidential.

TRACKING AND COOKIES DATA

Evotel uses cookies and similar tracking technologies to track the activity on our Service and hold certain information.

“Cookies” are defined as files with a minimal amount of data, which may include an anonymous unique identifier. Cookies are sent to your browser from a website and stored on your device. Tracking technologies also used are beacons, tags, and scripts to collect and track information and to improve and analyse our Service.

You can select, by way of your browser, to refuse all cookies or to indicate when a cookie is being dispatched. However, if you do not accept cookies, you may not be able to use some portions of our Service and/or website as intended for the you the end user.

Examples of Cookies we use (alternatively may use from time-to-time):

SESSION COOKIES

A session cookie contains information that is stored in a temporary memory location and then subsequently deleted after the session is completed or the web browser is closed. This cookie stores information that the user has inputted and tracks the movements of the user within the website. We use Preference Cookies to remember your preferences and various settings. We use Session Cookies to operate our Service.

PREFERENCE COOKIES

Preference cookies enable a website to remember information that changes the way the website behaves or looks, like your preferred language or the region that you are in. We use Preference Cookies to remember your preferences and various settings.

SECURITY COOKIES

Secure cookies are a type of HTTP cookie that have Secure attribute set, which limits the scope of the cookie to "secure" channels (where "secure" is defined by the user agent, typically web browser). An active network attacker can overwrite Secure cookies from an insecure channel, disrupting their integrity. We use Security Cookies for security purposes.

5. DISCLOSURE OF PERSONAL INFORMATION

We may, and by making use of our website you consent hereto, disclose your personal information to:

- our employees, contractors, or third-party service providers (such as but not limited to Internet Service Providers) in connection with the Website and our services, infrastructure, and our business operators.

- our insurers, underwriters, and professional advisors, including our accountants, attorneys, business advisors and consultants.
- new colleagues and the manager of any entity through which they operate if we merge, combine, or divests a part of our business.
- law enforcement or regulatory bodies as required by any governing legislation.
- any other juristic or natural person for any authorised purpose with your express consent.
- protect and defend the rights and property of Evotel; and
- prevent and/or investigate possible wrongdoing in connection with our services.
- Evotel will never sell your personal information.

Evotel does not at this stage send personal information outside of the Republic of South Africa. Should it become necessary to do so, we will do so in accordance with applicable laws and this Privacy Notice will be updated alternatively amended accordingly.

We may use your contact details to send you details of new products or services that may interest 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 practical.

6. TRANSFER OF DATA

If you are located outside South Africa and choose to provide information to us, please note that we transfer the data, including Personal Data, to South Africa and process it here.

Your consent to this Privacy Notice followed by your submission of such information represents your agreement to that transfer.

7. PUBLIC SPACE (BULLETIN BOARDS, CHAT ROOMS AND THIRD-PARTY SITES)

Any information that Users disclose in or on a public space or forum including but not limited to Facebook, Whatsapp, Instagram, and Twitter and including but not limited to, any bulletin board, chat room or alternatively any site Evotel may own, is available to anyone else who visits or makes use of that platform or that space.

Evotel cannot safeguard any information you disclose there and as such assumes no liability with regards to this information so disclosed

8. SITE LINKING

Sites hosted by Evotel may contain links to sites that belong to third parties unrelated to us. Evotel cannot be held responsible for any use of your personal information arising from you disclosing such information on third party sites. Evotel cannot protect any information you may disclose on these sites and recommends that you review the privacy notice statements of those sites you visit and ensure that you are familiar with, and consent to, such third parties' privacy policies. Evotel reserves the right to disclose information about Users where required in good faith, to do so by law or to exercise our legal rights or defend ourselves against legal claims.

9. SECURITY

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

We may keep your personal information in either electronic or hard copy form. In both instances, we will take reasonable and appropriate measures to ensure that the personal information is protected from misuse and loss and from unauthorised access, modification, or disclosure.

Personal information is destroyed or de-identified when no longer needed or when we are no longer required by law to retain it (whichever is the later).

10. HOW CAN YOU ACCESS AND CORRECT YOUR PERSONAL INFORMATION

You have the right to contact us at any time requesting:

- confirmation that we have your personal information.
- access to the records containing your personal information or a description of the personal information that we hold about you.
- the identity or categories of third parties who have had, or currently have, access to your personal information; and
- Request that we update incorrect information.

Details on how to make a request can be obtained from our helpdesk. When making a request, we will require adequate proof of your identity. We will endeavour to provide you with suitable means of accessing the requested information, where you are entitled to it, by for example, posting or emailing it to you.

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.

If you believe that any personal information that we hold about you is inaccurate, irrelevant, outdated, incomplete or misleading, you may request 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.

We may charge a reasonable fee to cover its administrative and other costs in providing information to you. We will not levy a charge for simply making a request or for making any corrections to personal information.

You have the right to request the deletion of personal information held, which will be implemented subject to applicable law.

11. ANALYTICS: SERVICE PROVIDERS

Evotel may employ third party companies and individuals to facilitate our Service ("Service Providers"), to provide the Service on our behalf, to perform Service-related services or to assist us in analysing how our Service is used. These third parties have access to your Personal Data only to perform these tasks on our behalf and are obligated not to disclose or use it for any other purpose.

We may use third party Service Providers to monitor and analyse the use of our Service.

12. CHILDREN'S PRIVACY – SECTION 34 & 35 OF THE POPI ACT

Our Service does not address anyone under the age of 18 ("Children").

We do not knowingly collect personally identifiable information from anyone under the age of 18. If you are a parent or guardian and you are aware that your Children has provided us with Personal Data, please contact us. If we become aware that we have collected Personal Data from children without verification of parental consent, we will take steps to remove that information from our servers.

13. COMPLAINTS

If you believe that your personal information has been unlawfully accessed or acquired, you can contact us here at support@Evotel.co.za and provide details of the incident so the complaint can be investigated, and if required, rectified expeditiously.

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.

You can also complain to the Information Regulator if you are unhappy with how we have used your Information.

Their contact details are as follows:

The Information Regulator (South Africa)
33 Hoofd Street
Forum III, 3rd Floor Braampark
P.O Box 31533
Braamfontein, Johannesburg, 2017

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

14. CHANGES TO PERSONAL INFORMATION

If your personal information changes, kindly let us know and provide us with all changes as soon as reasonably possible to enable us to amend your details and ensure that your details remain accurate and up to date.