



## MERCHANT PRIVACY STATEMENT AND CONSENT

1. **Introduction**
  - 1.1. For purposes of this Statement:
    - 1.1.1. **"Applicable Laws"** means all laws, regulations that Payflex is required to comply with;
    - 1.1.2. **"Merchant"** or **"you"** means any prospective, new or existing Merchant of Payflex and its subsidiaries; and
    - 1.1.3. **"Payflex"** or **"we"** or **"us"** means Payflex Proprietary Limited, a private company duly incorporated under the laws of South Africa, with registration number 2017/406318/07;
  - 1.2. This Statement sets out how your personal information will be used by Payflex and applies to any information, including personal and special personal information, you give to Payflex or which Payflex may collect from third parties.
  - 1.3. It is important that you read this Statement carefully before submitting any personal information to Payflex.
  - 1.4. **By signing this Statement and submitting any personal information to Payflex you provide consent to the processing of your personal information as set out in this Statement.**
    - 1.1. The provisions of this Statement are subject to mandatory, unalterable provisions of Applicable Laws;
    - 1.2. Please do not submit any personal information to Payflex if you do not agree to any of the provisions of this Statement. **If you do not consent to the provisions of this Statement, or parts of the Statement, Payflex may not be able to provide its products and services to you.**
2. **How to contact us**

If you have any comments or questions about this Statement please contact the Information Officer, Trevor Tomlinson at [trevor@payflex.co.za](mailto:trevor@payflex.co.za).
3. **Amendment of this Statement**
  - 3.1. We may amend this Statement from time to time.
  - 3.2. Any such amendment will come into effect and become part of any agreement you have with Payflex when notice is given to you of the change.
4. **Privacy and indemnity**
  - 4.1. Payflex takes your privacy and the protection of your personal information very seriously, and we will only use your personal information in accordance with this Statement and applicable data protection legislation. It is important that you take all necessary and appropriate steps to protect your personal information yourself (for example, by ensuring that all passwords and access codes are kept secure).
  - 4.2. We have implemented reasonable technical and operational measures to keep your personal information secure.
  - 4.3. You hereby indemnify and hold Payflex harmless from any loss, damages or injury that you may incur as a result of any unintentional disclosures of your personal information to unauthorised persons or the provision of incorrect or incomplete personal information to Payflex.
5. **Information which we may collect about you**
  - 5.1. We may collect the following information about you:
    - 5.1.1. this information may include your name, address, contact details, date of birth, place of birth, identity number, passport number, bank details, details about your employment, tax number and financial information;
    - 5.1.2. records of correspondence or enquiries from you or anyone acting on your behalf;
    - 5.1.3. details of transactions you carry out with us;
    - 5.1.4. details of contracts, sales or leases you carry out with us;
    - 5.1.5. sensitive or special categories of personal information, including biometric information, such as images, fingerprints and voiceprints.
  - 5.2. Where you provide us with the personal information of third parties you should take steps to inform the third party that you need to disclose their details to us, identifying us. We will process their personal information in accordance with this Statement.
  - 5.3. **You hereby warrant that all personal information of third parties provided to**

**Payflex by you if provided lawfully and in accordance with applicable law.**

**6. How we collect information**

- 6.1. You may provide personal information to us either directly or indirectly (through an agent acting on your behalf, or an introducer), by completing an application for our products and services or requesting further information about our products and services, whether in writing, through our website, over the telephone, email or any other means.
- 6.2. We may also collect your personal information from your appointed agent, any regulator, or other third party that may hold such information.

**7. Use of information collected**

- 7.1. We may use, transfer and disclose your personal information for the purposes of:
- 7.1.1. providing you with the services, products or offerings you have requested, and notifying you about important changes to these services, products or offerings;
- 7.1.2. managing your account or relationship and complying with your instructions or requests;
- 7.1.3. detecting and preventing fraud and money laundering and/or in the interest of security and crime prevention;
- 7.1.4. assessing and dealing with complaints and requests;
- 7.1.5. operational, marketing, auditing, legal and record keeping requirements;
- 7.1.6. verifying your identity or the identity of your beneficial owner;
- 7.1.7. transferring or processing your personal information outside of the Republic of South Africa to such countries that may not offer the same level of data protection as the Republic of South Africa, including for cloud storage purposes and the use of any of our websites;
- 7.1.8. complying with Applicable Laws, including lawful requests for information received from local or foreign law enforcement, government and tax collection agencies;
- 7.1.9. recording and/or monitoring your telephone calls and electronic communications to/with Payflex in order to accurately carry out your instructions and requests, to use as evidence and in the interests of crime prevention;
- 7.1.10. conducting market research and providing you with information about our products or services from time to time via email, telephone or other means (for example, events);
- 7.1.11. where you have unsubscribed from certain direct marketing communications, ensuring that we do not send such direct marketing to you again;
- 7.1.12. disclosing your personal information to third parties for reasons set out in this

Statement or where it is not unlawful to do so;

- 7.1.13. monitoring, keeping record of and having access to all forms of correspondence or communications received by or sent from Payflex or any of its employees, agents or contractors, including monitoring, recording and using as evidence all telephone communications between you and Payflex; and
- 7.1.14. improving or evaluating the effectiveness of our business or products, services or offerings.
- 7.1.15. You hereby consent and authorise Payflex to make your name, surname, identity number available to a credit bureau and hereby authorise Payflex to:
- 7.1.16. verify all information provided and generally make whatever enquiries deemed necessary from any source whatsoever; and
- 7.1.17. to prevent, detect and report fraudulent and criminal activities and to identify the proceeds of unlawful activities and combat money laundering activities and to assist law enforcement agencies in this regard.
- 7.1.18. We may from time to time contact you about services, products and offerings available from Payflex or specific subsidiaries which we believe may be of interest to you, by email, phone, text or other electronic means, unless you have unsubscribed from receiving such communications. You can unsubscribe from receiving such communications by clicking on the link which is included in these communications.
- 7.1.19. Disclosure of your information**
- 7.1.20. Your personal information may be shared with our subsidiaries, our agents and sub-contractors, and selected third parties who process the information on our behalf.
- 7.1.21. We may also disclose your personal information to third parties in the following circumstances:
- 7.1.22. to our subsidiaries who are contracted to provide products or services to you;
- 7.1.23. to assess and monitor any of your applications for our products or services;
- 7.1.24. to determine which products and services may be of interest to you and/or to send you information about such products and services, unless you object or choose not to receive such communications;
- 7.1.25. to have a better understanding of your circumstances and needs to provide and improve our products and services;
- 7.1.26. to any relevant person and/or entity for purposes of prevention, detection and reporting of fraud and criminal activities, the identification of the

- proceeds of unlawful activities and the combatting of crime;
- 7.1.27. to any regulator or supervisory authority, including those in foreign jurisdictions, if Payflex is required to do so in terms of Applicable Laws;
- 7.1.28. to a prospective buyer or seller of any of our businesses or assets;
- 7.1.29. to any person if we are under a duty to disclose or share your personal information in order to comply with any Applicable Laws, or to protect the rights, property or safety of Payflex, Clients or other third parties; and/or
- 7.1.30. to your agent or any other person acting on your behalf, and or an introducer.
- 7.2. We may transfer your information to another of the Payflex entities, an agent, sub-contractor or third party who carries on business in another country, including one which may not have data privacy laws similar to those of South Africa. If this happens, we will ensure that anyone to whom we share your information agrees to treat your information with the same level of protection as if we were dealing with it.
- 7.3. If you do not wish us to disclose this information to third parties, please contact us at the contact details set out above. We may, however, not be able to provide products or services to you if such disclosure is necessary.

**8. Retention of your information**

We may retain your personal information indefinitely, unless you object, in which case we will only retain it if we are permitted or required to do so in terms of Applicable Laws. However, as a general rule, we will retain your information in accordance with retention periods set out in Applicable Laws, unless we need to retain it for longer for a lawful purpose. (For example, for the purposes of complaints handling, legal processes and proceedings.)

**9. Access to, correction and deletion of your personal information**

- 9.1. You may request details of personal information which we hold about you under the Promotion of Access to Information Act, 2000 ("PAIA"). Fees to obtain a copy or a description of personal information held about you are prescribed in terms of PAIA. Confirmation of whether or not we hold personal information about you may be requested free of charge. If you would like to obtain a copy of your personal information held by Payflex, please review our PAIA Manual which is accessible on our website or at our offices.
- 9.2. You may request the correction of personal information Payflex holds about you. Please ensure that the information we hold about you is complete, accurate and up to date. If you fail to keep your information updated, or if your information is incorrect, Payflex may limit the products and services offered to you or elect not to open the account.

- 9.3. You have a right in certain circumstances to request the destruction or deletion of and, where applicable, to obtain restriction on the processing of personal information held about you. If you wish to exercise this right, please contact us using the contact details set out above.
- 9.4. You have a right to object on reasonable grounds to the processing of your personal information where the processing is carried out in order to protect our legitimate interests or your legitimate interests, unless the law provides for such processing.

**10. Complaints**

- 10.1. Should you believe that Payflex has utilised your personal information contrary to Applicable Laws, you undertake to first attempt to resolve any concerns with us.
- 10.2. If you are not satisfied with such process, you may have the right to lodge a complaint with the Information Regulator, using the contact details listed below:
  - 10.2.1. Email: [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za).

I (full name of signatory) \_\_\_\_\_,  
 (ID number) \_\_\_\_\_ hereby  
 consent to the processing of personal information by Payflex in  
 accordance with this Statement.

Signature: \_\_\_\_\_  
 CC/Company/ Name: \_\_\_\_\_  
 Date: \_\_\_\_\_