



MAX ARCUS & SON (PTY) LTD

WHOLESALE HARDWARE MERCHANTS

Email: info@maxarcus.co.za Website: www.maxarcus.co.za Co. Reg. No. 1957/001574/07 VAT Reg. No. 4240127631

HEAD OFFICE:

32A Lowestoff Street
Paarden Eiland 7405
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☎ +27 21 508 4911
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6 Dyer Place
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PRIVACY AND COOKIES POLICY

Last updated: 01 July 2021

As per legislation, the Protection of Personal Information Act (POPIA) is effective from 1 July 2021. We, Max Arcus & Son (Pty) Ltd would like to ensure that we do everything to protect all relevant stakeholders' personal information and that we are compliant to POPIA.

Protecting your privacy is as important to us as it is to you. For us, it's more than just making sure we comply with the relevant legislation; you trust us with your personal information, and we respect that trust. This Privacy Policy explains why and how we collect, use and store your personal information.

What is this policy about?

- We want you to understand who you are sharing your information with, what kind of information we are collecting and how we use the information.
- We need your information to deliver the right service and / or products and / or correspondence that you require.
- This Privacy policy may change from time to time based on business / legislative changes.
- **We need your consent for the processing of your personal information:**
 - By agreeing to this Privacy policy, you provide us with your voluntary consent and agreement that we may collect, get, receive, record, organise, collate, store, update, change, retrieve, read, process, consult, use and share your personal information in the manner set out in this policy, for business related or legislative purposes, as per POPIA legislation.
 - We may collect from and share your personal information with selected third parties to ensure we meet our responsibilities as a registered Retail Company. These third parties may include, but are not limited to: HR and Financial Consultants; our authorised IT Service providers etc.
 - We only share your personal information with companies we trust and that help us to provide our services to you and who have agreed to keep your information secure, confidential and to only use it for authorised purposes. Your privacy is important to us, which is why it is our policy not to share your personal information with other companies.
 - We will never sell your personal information.
- Additionally, you may request that we provide you with the personal information we have on our records. The Promotion of Access to Information Act, 2000, PAIA gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the State, as well as information held by another person (or private body) when such privately held information is required to exercise a right or to protect a right.
- PAIA, provides that a person requesting information must be given access to any record of a private body, if that record is required for the exercise or the protection of a right. However, such request must comply with the procedural requirements laid down by the Act. **For more information – our detailed PAIA Manual is displayed on our website.**

What information we collect

- Depending on whether you enquire about being a Customer, Employee, Third Party and / or if you want to receive information from us like newsletters; alerts; info on specials; have access to our website etc. we will require personal information from you. We will only request relevant information that serves a specific purpose as per POPIA requirements.
- By agreeing to this policy, you agree and accept that there is certain compulsory information you must provide us with if you want to enjoy all of the features and functionality on the Website and / or our products / services. I.e.: To process payment instruments and / or for security, identity verification and to check the accuracy of your



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personal information, to communicate with you and carry out your instructions and requests; to provide insurance and assurance policies and inform you about products and related services; and / or for any other related purposes.

- If you decide not to provide us with such compulsory information, you agree that we may limit certain features and functionality on the website or our services / products.

How long do we keep your personal information?

We will keep your personal information for as long as:

- The law requires us to keep it,
- A contract between you and us requires us to keep it,
- You have consented for us keeping it,
- We are required to keep it to achieve the purposes listed in this Privacy Policy,
- We require it for statistical or research purposes,
- A code of conduct requires us to keep it,
- We require it for our lawful business purposes.

Marketing and surveys

- If you give us permission, we may use your personal or other information to tell you about products, services and special offers from us or other companies that may interest you. We will do this in person, by phone, by post, electronic channels, by email, WhatsApp or text message (SMS). If you later decide that you do not want us to do this, please contact us and we will stop doing so.
- If you are not our customer, or in any other instances where the law requires, we will only market to you by electronic communications with your consent.

We use cookies to optimise your website experience.

We use cookies to analyse website traffic and optimize your website experience. A cookie is small pieces of text that are saved on your Internet browser when you use our website. The cookie will also identify your device, like the computer or smart phone.

The cookie is sent back to our computer each time you visit our website. Cookies make it easier for us to give you a better experience online (website or application). By using our websites or applications you agree that cookies may be forwarded from the relevant website or application to your computer or device. The cookie will enable us to know that you have visited the website or application before and will identify you. We may also use the cookie to prevent fraud and for analytics.

We do not track your personal information. By accepting our use of cookies, your data will be aggregated with all other user data.



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Your rights and preferences

- You have the right to know what personal information we have about you, to correct it and to opt-out of any marketing / our website.
- You have the right to:
 - Ask what personal information we hold about you,
 - Ask what information was sent to our suppliers, service providers or any other third party,
 - Ask us to update, correct or delete any out-of-date or incorrect personal information we hold about you, it is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, obtained unlawfully or we are no longer authorised to keep it. You must inform us of your request in writing.
 - Unsubscribe from any direct marketing communications we may send you,
 - Object to the processing of your personal information,
 - **If you do not agree with this Privacy policy or are concerned about any aspect as it relates to your personal information, please do not continue to use the website or any services / products offered by us.**
- We can refuse to delete your information if we are required by law to retain it or if we need it to protect our rights.
- You may object on reasonable grounds to the processing of your personal information.
- We will not be able to give effect to your objection if the processing of your personal information was and is permitted by law; you have provided consent to the processing and our processing is done according to your consent or if the processing of information is necessary to conclude or perform a certain function, under a contract with you.

Security

- We take your privacy and the security of your personal information seriously.
- We have implemented reasonable security safeguards and measures to protect the personal information that you provide or to minimise any threats. Our security measures (including physical, technological and procedural safeguards) will be appropriate and reasonable i.e.:
 - We regularly monitor our systems for possible vulnerabilities and attacks.
 - Keeping our systems secure (like monitoring access and usage).
 - Storing our records securely.
 - Controlling the access to our buildings, systems and/or records; and
 - Safely destroying or deleting records.
 - However, as no system is perfect, we cannot guarantee that information may not be accessed, disclosed, altered, or destroyed by breach of any of our physical, technical or managerial safeguards.
- We will let you know of any breaches, if we are made aware of it, which affect your personal information.
- Please note that any e-mail you send to us, is not encrypted and may be monitored by us. Please do not send us sensitive or confidential personal information by means of e-mail.
- You have a right to lodge a complaint to the Information Regulator (infoereg@justice.gov.za) for any contravention of POPIA.



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Third Party sites

- To the extent allowed by law, we are not responsible for the privacy practices of a third party site to which there may be a link on the website, or for any claims, loss or damage arising from these.
- We advise you to read the Privacy policy of each site which you visit and to determine your privacy settings in accordance with your personal preferences.

Protection of Personal Information Act and other laws

- All provisions of this Privacy policy must be treated as being qualified, to the extent necessary, to ensure that the provisions of POPIA and such other laws are complied with.
- No provision of this Privacy policy: does or purports to limit or exempt us from any liability (including, without limitation, for any loss directly or indirectly attributable to our gross negligence or wilful default or that of any other person acting for or controlled by us) to the extent that the law does not allow such a limitation or exemption; requires you to assume risk or liability for the kind of liability or loss, to the extent that the law does not allow such an assumption of risk or liability; or limits or excludes any warranties or obligations which are implied into this Privacy Policy by POPI (to the extent applicable), or other applicable laws or which we give under POPI (to the extent applicable), or other applicable laws, to the extent that the law does not allow them to be limited or excluded.
- We are complying with the rules about Cross-border flows.

General

- You agree that this Privacy policy, our relationship, and any dispute of whatsoever nature relating to or arising out of this Privacy Policy whether directly or indirectly, shall be governed by the laws of the Republic of South Africa without giving effect to any principle of conflict of laws.
- You agree that we may, at any time, transfer, cede, delegate or assign any or all of our rights and obligations under this Privacy Policy without your consent. We will notify you if we transfer, cede, delegate or assign any rights or obligations to a third party, but we do not have to notify you if we transfer, cede, delegate or assign any rights or obligations to any of our affiliates or to any person which acquires all or part of our business and/or assets. We may also sub-contract our obligations without your consent and we do not have to notify you if we sub-contract any of our obligations.
- Our failure to exercise or enforce any right or provision of this Privacy Policy shall not constitute a waiver of such right or provision.
- Each provision of this Privacy Policy, and each part of any provision, is removable and detachable from the others. As far as the law allows, if any provision of this Privacy Policy, or part of a provision, is found by a court or authority of competent jurisdiction to be invalid, illegal or unenforceable (including, without limitation, because such provision is inconsistent with the laws of another jurisdiction), it must be treated as if it was not included in this Privacy Policy and the rest of this Privacy Policy will still be valid and enforceable.

Please feel free to contact us if you have any questions, via e-mail info@maxarcus.co.za.