

StellCap

Website
Privacy Policy

Table of Contents

Clause 1: Introduction	3
Clause 2: Privacy Policy	4
Clause 3: Your Rights	6
Clause 4: Disclosure of Personal Information	7
Clause 5: GDPR and the Mauritius Data Protection Act 2017 (“the DPA”)	7
Clause 6: Indemnity	7
Clause 7: Log Files	7
Clause 8: Cookie Notice	8
Clause 9: Links from the Website	9
Clause 10: Application of The Electronic Communications and Transactions Act 25 Of 2002 ("ECT Act")	9
Clause 11: Contact Information	9
Clause 12: Lodging of Complaints	10

Website Privacy Policy

Read this policy carefully before browsing this website or using any of our services. Your continued use of this website and our services indicates that you have both read and agree to the terms of this website privacy policy. You cannot use this website or our services which are accessed through or by means of this website if you do not accept this policy. All sections of this policy are applicable to users of this website unless the section expressly states otherwise.

Clause 1: Introduction

1.1 The StellCap Website Privacy Policy ("**the Privacy Policy**") applies to StellCap (Pty) Ltd ("**StellCap**"), including any of their affiliates not mentioned herein. StellCap is committed to protecting the privacy and security of your personal information which is obtained by us when you access our website and we will only use your personal information in accordance with this Privacy Policy and the applicable laws.

1.2 StellCap recognises the importance of protecting your privacy in relation to your personal information which we collect when you visit our website currently located at: www.StellCap.co.za (referred to as "**the Website**").

1.3 For the purposes of this Privacy Policy, the term "**Personal Information**" will be understood in accordance with the definition provided in section 1 of the Protection of Personal Information Act 4 of 2013 ("**POPIA**") and in accordance with the definition of "**Personal Data**" in Article 4(1) of the General Data Protection Regulation (EU) 2016/679 ("**GDPR**") to the extent applicable and shall refer to your personal information which we acquire as a result of your use of the Website. We also subscribe to the principles for electronically collecting personal information outlined in POPIA, and the further legislation referred to therein.

1.4 We endeavour to ensure the quality, accuracy and confidentiality of personal information in our possession and we recognise the importance of protecting your privacy in respect of your personal information which is collected when you visit the Website. We are committed to protecting and preserving the personal information of all visitors to the Website.

1.5 We reserve the right to modify this Privacy Policy from time to time, in particular, to reflect changes in relevant laws and regulatory requirements. In the event that we modify this Privacy Policy, any new version shall be effective 14 days immediately after it is first published on the Website.

1.6 This Privacy Policy should not be viewed in isolation and must be read together with any other applicable terms of use of the Website and with the terms of any agreement(s) entered into between us and you.

1.7 **By using/accessing the Website, you agree to us processing your personal information for the purposes and to the extent as stated in this Privacy Policy and on our Website. If you do not agree to the processing of your Personal Information as described in this Privacy Policy, please do not use/access the Website.**

Clause 2: Privacy Policy

2.1 In adopting this Privacy Policy, we wish to balance our legitimate business interests and your reasonable expectation of privacy in relation to the processing by us of your Personal Information which is obtained by us as a result of you having visited or accessed the Website. Accordingly, we will take all reasonable steps to prevent unauthorised access to, or unlawful disclosure of your Personal Information.

2.2 In utilising our Website, utilising our services through or by means of our Website, or otherwise if your information is submitted to us through a lead generation service you may be asked to provide the following information (all of which could comprise of Personal Information), your:

- 2.2.1 First Name;
- 2.2.2 Surname;
- 2.2.3 Email;
- 2.2.4 Mobile Number;
- 2.2.5 Company/CC/Business Name;

2.3 We shall take reasonably practicable steps to ensure that the Personal Information is complete, accurate, not misleading and updated where necessary.

2.4 We will attempt to limit the types of Personal Information we process to only that to which you consent to (for example, in the context of online registration, newsletters, message boards, surveys, polls, professional announcements, SMS, lead generation, MMS and other mobile services) save for as otherwise lawfully permitted. Where necessary, we will seek to obtain your specific consent in future instances should we deem same required by law and where your consent herein might not be lawfully sufficient.

2.5 You hereby consent to the processing of the Personal Information for purposes of direct marketing by means of any form of electronic communication as contemplated in section 69 of POPIA and/or Article 7 of the GDPR (whichever is applicable).

2.6 We will not process, collect, use or disclose your special personal information (as defined in POPIA) or other sensitive information (which pertains to but is not limited to information concerning racial or ethnic origins or religious beliefs, where relevant) except with your specific consent or in the other circumstances permitted by POPIA or otherwise in terms of the applicable law.

2.7 By agreeing to the terms contained in this Privacy Policy, you consent to the processing of your Personal Information in relation to:

- 2.7.1 The provision and performance of our services to you;
- 2.7.2 Informing you of changes made to our Website;
- 2.7.3 The provision of marketing related services by us to you;
- 2.7.4 Responding to any queries or requests you may have;
- 2.7.5 Developing a more direct and substantial relationship with you;
- 2.7.6 Developing an online user profile;
- 2.7.7 Understanding general user trends and patterns;
- 2.7.8 For security, administrative and legal purposes;
- 2.7.9 The creation and development of market data profiles;
- 2.7.10 In the engagement and response to any employment position for which you may have applied.

2.8 Although absolute security cannot be guaranteed on the internet, we have implemented up-to-date, appropriate reasonable technical and organisational security measures in an effort to ensure the integrity and confidentiality of your Personal Information obtained by us as a result of your use of the Website in an effort to prevent the loss of, damage to, or the unauthorised destruction of your Personal Information and in an effort to prevent the unlawful access to, or processing of your Personal Information.

2.9 While we cannot warrant the security of any Personal Information you provide us, we will take reasonable measures to continue to identify all reasonably foreseeable internal and external risks to your Personal Information in our possession or under our control, shall establish and maintain appropriate safeguards against the risks identified, shall regularly verify that our safeguards are effectively implemented and shall ensure that our safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards. We shall have due regard to generally accepted information security practices and procedures which may apply to us generally, or be required in terms of specific industry or professional rules and regulations.

2.10 We store your Personal Information directly, or alternatively, store your Personal Information on, and transfer your Personal Information to, a central database. If the location of the central database is located in a country that does not have substantially similar laws which provide for the protection of Personal Information, we will take the necessary steps to ensure that your Personal Information is adequately protected in that jurisdiction by means of ensuring that standard data protection clauses are enforced as envisaged by POPIA and by the GDPR (to the extent applicable).

2.11 Your Personal Information will not be stored for longer than is necessary for the purposes described in this Privacy Policy or as required by applicable legislation. We shall destroy or delete records of Personal Information, or deidentify such Personal Information as soon as reasonably practicable after we are no longer lawfully authorised to retain the applicable record.

2.12 The Personal Information we collect from users shall only be accessed by our employees, representatives, contractors and third parties on a need-to-know basis, and subject to reasonable confidentiality obligations binding such persons.

2.13 We shall have the right, but shall not be obliged, to monitor or examine any information and materials including any website link that you publish or submit to us for publishing on the Website. You shall be solely responsible for the contents of all material published by yourself.

2.14 We constantly review our systems and data to ensure the best possible service to our users. We do not accept any users, or representatives of users, under 18 years of age or who otherwise does not have the relevant capacity to be bound by this Privacy Policy.

2.15 We will not sell, share, or rent your Personal Information to any third party or use your e-mail address for unsolicited mail. Any emails sent by us will only be in connection with the provision of our services and/or the marketing thereof.

Clause 3: Your Rights

3.1 **Every user of this Website has the right:**

3.1.1 To be notified that the Personal Information is being collected;

3.1.2 To be notified in the event that the Personal Information has been accessed or acquired by an unauthorised person;

3.1.3 To request us to confirm whether or not we hold any Personal Information pertaining to such user, as well as the right to request us to provide the record or a description of the Personal Information about the applicable user held by us. This may be done by emailing us at the address referred to in clause 11.4 below;

3.1.4 To request us to correct or delete the Personal Information that we hold on a user's behalf, in instances where such Personal Information is incorrect, incomplete, irrelevant, excessive, inaccurate, out of date, misleading or which has been obtained unlawfully;

3.1.5 To request us to destroy or delete such user's Personal Information ("**right to be forgotten**") if such information is no longer needed for the original processing purpose, alternatively if a user withdraws their consent and there is no other reason or justification to retain such Personal Information, further alternatively, if a user has objected to such Personal Information being processed and there is no justified reason for the processing of such Personal Information;

3.1.6 Not to be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of the Personal Information intended to provide a profile of such person;

3.1.7 If we breach any of the terms of this Privacy Policy, to submit a complaint to the duly appointed data protection authority in the applicable territory and who has jurisdiction over the matter;

3.1.8 To withdraw their consent to the processing of the Personal Information at any time, to the extent that they previously provided such consent;

3.1.9 To object, on reasonable grounds relating to the particular situation of the user, to the processing of the Personal Information unless the applicable legislation allows or requires such processing;

3.1.10 Not to have the Personal Information processed for purposes of direct marketing by means of unsolicited electronic communications except as allowed in terms of the applicable legislation and subject to the consent provided in clause 2.5 above;

3.1.11 To object to the processing of Personal Information for direct marketing purposes and to object to the processing of Personal Information processed for purposes of direct marketing by means of unsolicited electronic communications;

3.1.12 To institute civil proceedings regarding the alleged interference with the protection of the Personal Information.

Clause 4: Disclosure of Personal Information

4.1 We may disclose your Personal Information to the following persons for the purposes of us rendering our services to you (to the extent that you have accessed such services through our Website) and/or for purposes of enabling your use of the Website, and for those reasons recorded in clauses 2.4, 2.5 and 2.7 above, our:

- 4.1.1 Clients;
- 4.1.2 Suppliers/service providers;
- 4.1.3 Advisors;
- 4.1.4 Contractors; and
- 4.1.5 Affiliated Partners.

4.2 If our services are provided in conjunction with, or by involvement of third parties, such third parties may require access to your Personal Information in order to fulfil your request.

4.3 In addition, we may also disclose your Personal Information where such disclosure is necessary to protect our legitimate interests or as required or permitted by law.

Clause 5: GDPR and the Mauritius Data Protection Act 2017 ("the DPA")

To the extent that the provisions of the GDPR and/or the DPA apply to the processing of your Personal Information by us, as detailed in this Policy, we shall endeavour to ensure that any additional applicable requirements of the GDPR and/or the DPA which extend beyond the requirements of POPIA, are duly met by us.

Clause 6: Indemnity

You hereby indemnify and hold StellCap 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 resulting from the provision of incorrect or incomplete personal information to StellCap and which losses, damages or injuries were outside of the control of StellCap (i.e. could not have been reasonably prevented or anticipated by it) and/or were not caused by its gross negligence or wilful default.

Clause 7: Log Files

When you visit the Website, even if you do not create an account, we may collect information, such as your IP address, the name of your ISP (Internet Service Provider), your browser, the website from which you visit us, the pages on our Website that you visit and in what sequence, the date and length of your visit, and other information concerning your computer's operating system, language settings, and broad demographic information. This information is aggregated as anonymous data and does not identify you specifically. However, you acknowledge that this data may be able to be used to identify you if it is aggregated with other Personal Information that you supply to us. This information is not shared with third parties and is used only within the company on a need-to-know basis. Any individually identifiable information related to this data will never be used in any way different to that stated above, without your explicit permission.

Clause 8: Cookie Notice

8.1 We use cookies. A cookie is a small text file that a website saves to your computer or smart device when you visit the site. They allow us to remember your actions or preferences over a period of time. Cookies are not used in any way to identify you personally and it in no way gives us access to your computer or any personal information about you, other than the information you choose to share with us. The two types of cookies used on the Website are described below:

8.1.1 "**Session cookies**": These are used to maintain a so-called 'session state' and only last for the duration of your use of the Website. A session cookie expires when you close your browser, or if you have not visited the server for a certain period of time. Session cookies are required for the website to function optimally.

8.1.2 "**Persistent cookies**": These cookies permanently store a unique code on your computer or smart device hard drive in order to identify you as an individual user. No Personal Information is stored in persistent cookies. You can view persistent cookies by looking in the cookies directory of your browser installation. These persistent cookies are not required for the Website to work, but may enhance your browsing experience.

8.1.3 We use cookies and other tracking technologies to collect information that allows us to:

8.1.3.1 Track site usage and browsing behaviour;

8.1.3.2 Allow you to sign into your account and browse through the website

8.1.3.3 Customise our website's functionality to you personally by letting us remember your preferences

8.1.3.4 Analyse your use of our products, services or applications;

8.1.3.5 Improve how our website performs

8.1.3.6 Allow third parties to provide services to our website

8.1.3.7 Assist and Monitor the effectiveness of our promotions and advertising (including behavioural advertising) and

8.1.3.8 Mitigate risk enhance security and help prevent fraud.

8.2 **Third-Party cookies**

8.2.1 We use both first-party and third-party cookies on our website.

8.2.2 First-party cookies are cookies issued from the https://www.StellCap.io domain that are generally used to identify language and location preferences or render basic site functionality.

8.2.3 Third-party cookies belong to and are managed by other parties, such as StellCap service providers.

8.3 **How to control cookies**

8.3.1 Overall, cookies assist us in providing a better website to you by allowing us to track which pages you find beneficial and which you do not. A cookie does not allow us access to your computer or any information about you other than the information you choose to contribute.

8.3.2 Some elements and functionality of our services can only be accessed by using cookies. By creating a StellCap account or continuing to use our website, you consent to the use of cookies as described in this policy. If your browser or browser add-on allows it, you can refuse our cookies, however this may prevent you from using StellCap's services.

8.3.3 You can choose to reject or the cookies set by virtue of your visit to the StellCap website by selecting the "Reject" option on our website, when prompted. The use of the cookies set by StellCap is for authorisation and authentication purposes, and rejection thereof will result on your being logged out.

8.3.4 Please note that most browsers automatically accept cookies. Therefore, if you do not wish cookies to be used, you may need to actively delete or block the cookies. If you reject the use of cookies, you will still be able to visit our websites but some of the functions may not work correctly.

8.3.5 You may also visit www.allaboutcookies.org for details on how to delete or reject cookies and for further information on cookies generally. By using our website without deleting or rejecting some or all cookies, you agree that we can place those cookies that you have not deleted or rejected on your device

Clause 9: Links from the Website

9.1 The services available through the Website, may contain links to other third-party websites, including (without limitation) social media platforms, communication platforms, payment gateways, appointment scheduling, human resources platforms and/or live chat platforms ("**Third-Party Websites**"). If you select a link to any Third-Party Websites, you may be subject to such Third-Party Websites' terms and conditions and/or other policies, which are not under our control, nor are we responsible therefore.

9.2 Hyperlinks to Third-Party Websites are provided "**as is**", and we do not necessarily agree with, edit or sponsor the content on Third-Party Websites.

9.3 We do not monitor or review the content of any Third-Party Websites. Opinions expressed or material appearing on such websites are not necessarily shared or endorsed by us and we should not be regarded as the publisher of such opinions or material. Please be aware that we are not responsible for the privacy practices, or content, of other websites, either.

9.4 Users should evaluate the security and trustworthiness of any Third-Party Websites before disclosing any personal information to them. We do not accept any responsibility for any loss or damage in whatever manner, howsoever caused, resulting from your disclosure to third parties of personal information. We are not responsible, nor will we be held liable for any Third-Party Websites that contains a virus or malware.

Clause 10: Application of The Electronic Communications and Transactions Act 25 Of 2002 ("ECT Act")

Data Messages (as defined in the ECT Act) will be deemed to have been received by us if and when we respond to the Data Messages.

10.2 Data Messages sent by us to a user will be deemed to have been received by such user in terms of the provisions specified in section 23(b) of the ECT Act.

10.3 Users acknowledge that electronic signatures, encryption and/or authentication are not required for valid electronic communications between us and users.

10.4 Users warrant that Data Messages sent to us from any electronic device, used by such user, from time to time or owned by such user, were sent and or authorised by such user, personally.

Clause 11: Contact Information

For the purposes of the ECT Act, StellCap's information is as follows, which should be read in conjunction with its product descriptions and other terms and conditions contained herein:

11.1. **Full name**:
StellCap (Pty) Ltd, a private company registered in South Africa with registration number 2017/040046/07

11.2 **Main Business**:
Foreign Exchange and Treasury Risk Management

11.3 **Physical address for receipt of legal service (also postal and street address)**:
2nd Floor Anglo African Building, 4 Plein Street, Stellenbosch, South Africa.

11.4 **Contact Number**: +27 21 350 0800.

11.5 **Website located at**: www.StellCap.co.za

11.6 **Email address**: info@StellCap.co.za

Clause 12: Lodging of Complaints

We shall only process your Personal Information obtained by us as a result of your use of the Website in compliance with this Privacy Policy and in accordance with the relevant applicable data protection laws. If, however you wish to raise a complaint regarding the processing of your Personal Information or are unsatisfied with how we have handled your Personal Information, you have the right to lodge a complaint with the Information Regulator (South Africa), or such other supervisory authority which may have jurisdiction in relation to the processing of your Personal Information in the applicable instance