



## POPI COMPLIANCE AND PRIVACY NOTICE

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[www.ordiancapital.co.za](http://www.ordiancapital.co.za)

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## 1 INTRODUCTION

The right to privacy is an integral human right recognised and protected in the South African Constitution and the Protection of Personal Information Act 4 of 2013 ("POPIA").

POPIA aims to promote the protection of privacy by providing guiding principles that are intended to be applied to the processing of personal information in a context-sensitive manner.

Through the provision of quality goods and services, Ordian Capital is necessarily involved in the collection, use and disclosure of certain aspects of the personal information of clients, customers, employees and other stakeholders.

A person's right to privacy entails having control over his or her personal information and being able to conduct his or her affairs relatively free from unwanted intrusions.

The aim of this compliance and privacy notice is to demonstrate our commitment to safeguarding the data subject's personal information and to notify the data subject how and why Ordian Capital collect information from the data subject, the way Ordian Capital use the data subject's information and how Ordian Capital share or disclose the data subject's information, as required in terms of the Protection of Personal Information Act ("POPI Act").

This Notice provides the data subject with the following information:

- Our commitment to compliance;
- A Summary of the compliance measures implemented;
- A notification on the collection of personal information and how Ordian Capital use the information;
- The data subject's rights as a data subject;
- How to contact us in relation to this notice.

## 2 COMMITMENT TO COMPLIANCE

Given the importance of privacy, Ordian Capital is committed to effectively managing personal information in accordance with POPIA's provisions. To meet the requirements of POPI, Ordian Capital has drafted a POPI Risk Framework which includes:

- Development and implementation of Information processing plan and procedures, including the safeguards of personal information required under POPI
- Development and implementation of a compliance monitoring plan

- Appointment of Information Officer
- Delegation of duties to staff and training on their duties
- Development of disclosures and client POPI engagement processes
- Documentation of relationships with third parties on the sharing of personal information and/or service agreements for the outsourcing of certain POPI obligations

### **3 PRIVACY STATEMENT**

Ordian Capital is committed to processing personal information in accordance with the below principles when collecting, recording, storing, disseminating, and destroying personal information, and responding to government requests for our users' data:

- Ordian Capital shall not contact/solicit the data subject unless the data subject has given us the data subject's consent to do so or unless required as part of an existing relationship with the data subject.
- Ordian Capital shall process the data subject's personal information for a specific, lawful reason and only adequate, relevant information which is limited to the purposes for which they are processed and which relates to the functions or the activity of Ordian Capital .
- If the data subject cancels the data subject's services with Ordian Capital, Ordian Capital will delete or otherwise de-identify the data subject's personal information after the minimum storage periods required under Ordian Capital's risk and statutory record-keeping periods have expired.
- Ordian Capital takes measures to ensure data is kept safe and prevent loss of, damage to, or unauthorised destruction of personal information, and unlawful access to or processing of personal information.

### **4 COLLECTION AND PROCESSING NOTIFICATION**

Ordian Capital collects personal information directly from our data subjects where possible. In addition to the aforementioned, Ordian Capital shall, subject to the data subject's consent, or to execute our service agreement with the data subject, obtain further information required from third parties and other sources where necessary.

During the course of our typical service delivery, Ordian Capital process personal information as follows:

Information being collected	Name, Surname, Gender, Identity number, Nationality, Race, Contact information (residential address, postal address, email, telephone number)
Source of information	Ordian Capital collect personal information directly from the data subject during the application process and are required from time to time. In some circumstances Ordian Capital may receive our data subject information from an Investment Advisor, but in all those cases the information received is verified against supporting documents.
Purpose of processing information	The personal information and special personal information processed during the data subject engagement process is used to render services to the data subject directly related to the service agreement in place between the parties
Voluntary/Mandatory provision of information	The data subject is required to provide the information on a voluntary basis and understand that certain information is mandatory for the purpose of administration of the Responsible party-Data subject relationship.
Requirement to process in terms of legislation	Ordian Capital is required to maintain the protection of the data subject's confidential information in compliance with the following: <ul style="list-style-type: none"> <li>• Protection of Personal Information Act (POPI)</li> <li>• Consumer Protection Act (CPA)</li> <li>• Financial Advisory and Intermediary Services Act (FAIS)</li> <li>• Electronic Communications Act (ECT)</li> <li>• Financial Intelligence Centre Act (as Amended) (FICA)</li> </ul>
Consequences of failure to provide information	Failure to provide the information will result in the Responsible party failure to comply with the requirements in terms of the service agreement and legislative requirements
Cross border transfer	Where necessary information may be shared with organisations outside South Africa for legitimate purposes who subscribe to similar personal information protection laws. Information shall not be shared with countries that do not subscribe to personal information protections laws unless the Responsible party has entered into an agreement in terms of which the

	third party subscribes to the obligations for lawful processing of personal information.
Recipients of personal information	<p>The Responsible party shall only share information outside of the information in the following circumstances:</p> <p>Government organisation to comply with the Responsible party's obligations in terms of the various legislation that regulates the Responsible party-Responsible party relationship.;</p> <p>Services providers that assist the Responsible party to administer the service agreement between the Parties or necessary to assist the Responsible Party to meet its legal and contractual obligations to the data subject</p>
Nature and category of information	The Responsible party processes personal information, special personal information and information of the data subject's dependants according to the lawful conditions for processing of personal information.

Ordian Capital does not collect and process special personal information unless it is a requirement by law to process such information as part of our service delivery, in which case Ordian Capital shall obtain consent from the data subject before collection thereof. Ordian Capital do not knowingly collect personal information from children (under 18 years of age) without the permission of their parent/s or guardian.

Ordian Capital undertakes to review and update our security measures in accordance with future legislation and technological advances. Access to client data from within our organisation is limited to essential staff or specialist contractors that are required to access our systems for client service or maintenance purposes, who are bound by the requirements of the legislation and are required to maintain safety and security measures.

## 5 COOKIES

A cookie is a string of information that a website stores on a visitor's computer, and that the visitor's browser provides to the website each time the visitor returns. Ordian Capital uses cookies to help identify and track visitors, their usage of the Ordian Capital service, and their website access preferences. Ordian Capital visitors who do not wish to have cookies placed on their computers should set their browsers to refuse cookies before using Ordian Capital websites, with the drawback that some features of Ordian Capital websites may not function properly without the aid of cookies.

## 6 REQUEST TO ACCESS PERSONAL INFORMATION PROCEDURE

In terms of POPI, data subjects have the right to:

- Request what personal information Ordian Capital holds about them and why.
- Request access to their personal information.
- Be informed on how to keep their personal information up to date.

Access to information requests can be made by email, addressed to the Information Officer. The Information Officer will provide the data subject with a "Personal Information Request Form".

Once the completed form has been received, the Information Officer will verify the identity of the data subject before handing over any personal information. All requests will be processed and considered against Ordian Capital 's PAIA Policy which is available on this website.

The Information Officer will process all requests within a reasonable time.

## 7 POPI COMPLAINTS AND OBJECTIONS PROCEDURE

A data subject has a right to object to the use of personal information, however in certain instances failure to provide us with personal information may result in the inability to deliver said services or products to our data subjects, or our data subjects shall receive limited services or have a limited engagement with us.

Data subjects further have the right to complain in instances where any of their rights under POPIA have been infringed upon. Ordian Capital takes all complaints very seriously and will address all POPI related complaints in accordance with the following procedure:

- POPI complaints and objections must be submitted to Ordian Capital in writing. Where so required, the Information Officer will provide the data subject with the prescribed form.
- The Information Officer will provide the complainant/objector with a written acknowledgement of receipt of the complaint.
- The Information Officer will carefully consider the complaint or objection and amicably address the complainant's concerns. In considering the application, the Information Officer will endeavour to resolve the matter in a fair manner and in accordance with the principles outlined in POPIA.
- Where the data subject is not satisfied with the Information Officer's suggested remedies, the data subject has the right to complain to the Information Regulator.

The Information Regulator's contact details are as follows:

**Complaints email:** [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

**General enquiries email:** [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za)

## **8 NOTICE REVIEW AND UPDATES**

This notice was last revised on 24.05.2023. Any material changes hereto will be published on our website or distributed to clients in writing.