



## PRIVACY NOTICE: POPIA

### 1. WHO WE ARE?

Van's Auctioneers will maintain the confidentiality of your personal information and comply with the **Protection of Personal Information Act 4 of 2013 (POPIA)** when processing your personal information.

By providing Van's Auctioneers with personal information, it is regarded as consent to process personal information, which Van's Auctioneers undertake to process strictly in accordance with the POPIA. POPIA regulates and controls the collection, use, transfer, and processing of an individual or legal entity's personal information.

In terms of POPIA, a **"Responsible Party"** (in this case Van's Auctioneers) has a legal duty to process a **"Data Subject's Personal information"** in a lawful, legitimate, and responsible manner.

All persons who collect, manage, process, transfer, store and/or retain personal information, has a responsibility to process such information in accordance with the provisions of POPIA.

Van's Auctioneers also requires the **data subject's** permission to process the personal information.

### 2. THE PURPOSE OF THE NOTICE

The purpose of this notice is to inform Van's Auctioneers clients about the type and use of personal information the company collects, the ways in which it is collected, the sharing, protection, and storage thereof.

### 3. WHAT IS PERSONAL INFORMATION?

**POPIA** defines personal information as "information which relates to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person. The person to whom personal information relates is referred to as the "data subject".

**Examples** of personal information include, but are not limited to, contact information, financial information, information relating to race, gender, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, and birth of the person.

#### 4. WHAT IS THE PURPOSE OF THE COLLECTION OF PERSONAL INFORMATION?

The purpose for the collection of a Data Subject's personal information by Van's Auctioneers is to:

- a. comply with lawful obligations, including all applicable, tax and financial legislation (including compliance with any, *Consumer Protection Act, the Financial Intelligence Centre Act 38 of 2001 (FICA), the National Credit Act, 34 of 2005 (NCA)*).
- b. give effect to a contractual relationship as between the Data Subject and Van's Auctioneers and to ensure the correct administration of the relationship.
- c. facilitate various operational functions.
- d. perform data analyses and to share personal information with third parties for data analyses.
- e. to manage and protect the legitimate interests of Van's Auctioneers, the Data Subject or a third party.

All personal information which the data subject provides to Van's Auctioneers will only be used for the purposes for which it is collected.

#### 5. STORAGE, RETENTION, AND DESTRUCTION OF INFORMATION

All personal information which the data subject provides to Van's Auctioneers will be held and/or stored securely and held for the purpose for which it was collected, as reflected herein. The data subject's personal information will be stored electronically in a centralised data base and will be accessible to authorised personnel at Van's Auctioneers. Where appropriate, some information may be retained in hard copy. In either event, storage will be secure and audited regularly to confirm the safety and the security of the information.

Once the data subject's personal information is no longer required, i.e., since the purpose for which the information was held has been completed, such personal information will be safely and securely stored for a period of **5 (five) years** per *FICA (the Financial Intelligence Centre Act 38 of 2001)*. Thereafter, all the data subject's personal information will be permanently destroyed.

#### 6. RIGHT TO OBJECT

In terms of *section 11(3) of POPIA* the data subject has the right to object in the prescribed manner to Van's Auctioneers processing the data subject's personal information until the matter is resolved.

#### 7. How and When is Information Collected from the Data Subject?

Van's Auctioneers collect information of a data subject in the following ways, including but not limited to:

- a. When an account is set up online via the Van's Auctioneers website
- b. When registering to participate in an auction
- c. When the data subject requests or consents to be added to Van's Auctioneers' marketing database
- d. When the data subject uses the Van's Auctioneers website (<https://www.vansauctions.co.za>)
- e. When the data subject or other parties give Van's Auctioneers information verbally or in writing. This may be in the format of registration forms, viewing attendee sheets, through correspondence or lodging a complaint or query.
- f. Van's Auctioneers may collect CCTV images at their office locations, for security reasons and to help prevent fraud or crime.

## **8. PROCESSING OF PERSONAL INFORMATION**

Van's Auctioneers makes use of and processes data subject's information in various ways to comply with South African legal obligations. Ways in which the data subject's information may be used are:

- a. Confirming identify, to help in the processing of an application for one of the services or to improve the data subject's customer experience with Van's Auctioneers.
- b. Manage and administer the data subject's account.
- c. Process transactions for example invoicing after an auction is completed, or where a refund to the data subject is required, the data subject's banking details will be used.
- d. Contact the data subject by telephone, text message, email, post, or social media, or other means but not in a way that is contrary to the instruction of the data subject, legitimate interest or contrary to law.
- e. Recover debt that the data subject may owe, and to manage and respond to a complaint or appeal that the data subject may have.
- f. Conduct marketing activities such as direct marketing (should it not be objected by the data subject to be used) and research, including customer surveys, analytics, and related activities.
- g. Carry out strategic planning and business portfolio management. This could include compiling and processing the data subject's information for audit, statistical or research purposes (including, in some instances, making data anonymous) to help Van's Auctioneers understand trends in its customer behaviour and to understand risk better, including providing management information, operational and data risk management.
- h. Protect Van's Auctioneers' business reputation, resources, and equipment, to manage network information and security (developing, testing, and auditing our websites) and other systems, dealing with accidental events, unlawful or malicious actions that compromise the availability, authenticity, integrity, and confidentiality of stored or transmitted personal data, and the security of the related services.
- i. Comply with the data subject's information rights, to establish the data subject's identity and to comply with laws and regulations concerning the prevention of money laundering, fraud, and terrorist financing. Hence, Van's Auctioneers may need to disclose information to government and any other statutory bodies.
- j. Manage and administer legal and compliance matters within Van's Auctioneers, including compliance and regulatory, legislative, and voluntary codes of practice to which Van's Auctioneers are committed.

## **9. WHAT ARE THE DATA SUBJECT'S RESPONSIBILITIES?**

The Data Subject is responsible for maintaining the confidentiality of their username, password, banking details and any other security information provided to or chosen by the Data Subject and advised by Van's Auctioneers to:

- a. Use strong passwords for their website account.
- b. Not share account login details with any person

## **10. SHARING OF PERSONAL INFORMATION**

Van's Auctioneers will only share your personal information with third parties if the Data Subject has consented to such disclosure. If consent has been obtained, the company may share the personal information with persons or organisations within and outside of the company. This may include:

- a. Statutory and Regulatory bodies and law enforcement authorities. These bodies include but are not limited to the following: The Information Regulator (South Africa), Financial Intelligence Centre (FIC), SARS, police authorities, and other designated authorities in connection with combating financial and other serious crime.
- b. Companies that provide support services for the purposes of protecting Van's Auctioneers legitimate interests.

## **11. THE DATA SUBJECT'S RIGHT TO REQUEST ACCESS TO INFORMATION**

The Data Subject has the right to request a copy of the personal information which Van's Auctioneers holds in its possession. Communication of such a request can be done through all contact details provided below. Please note that security questions and/or requests for identification may be required to facilitate this request.

## **12. UPDATING OR CORRECTION OF PERSONAL INFORMATION**

The Data Subject has a right to request for their personal information to be updated, corrected, or deleted and Van's Auctioneers will process the request in accordance with its policies.

## **13. INFORMATION OFFICER CONTACT DETAILS**

Should you have any questions pertaining to personal data being collected, stored, shared, or processed by Van's Auctioneers, or if you wish to exercise any of your data rights, queries can be directed to the Van's Auctioneers Information Officer: Telephone 0861118267, email [kogje.moodley@vansauctions.co.za](mailto:kogje.moodley@vansauctions.co.za) or [johan@vansauctions.co.za](mailto:johan@vansauctions.co.za)

## **14. UPDATE OF PRIVACY NOTICE**

Van's Auctioneers reserve the right to and may from time to time update the Privacy Notice. Such revision shall be made available on the Van's Auctioneers website. The onus is on the Data Subject to check the Van's Auctioneers website periodically for any updates or changes or contact the Information Officer.