



KHULASANDE CAPITAL
DATA PROTECTION STATEMENT
V1-2021



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INTRODUCTION

This Privacy Policy (“Policy”) uses defined terms listed in the Glossary in the Khulasande Capital (“Khulasande”) Terms of Service which have corresponding meanings in this Policy unless otherwise stated in this Policy.

For purposes of this Statement:

“**Applicable Laws**” means local, foreign and international laws, regulations, treaties and codes, for example the Protection of Personal Information Act 4 of 2013, the General Data Protection Regulation 2016/679, Financial Intelligence Centre Act 38 of 2001, the National Credit Act 34 of 2005 and the Foreign Account Tax Compliance Act of the United States of America.

“**Client**” or “**you**” means any prospective, new or existing client of Khulasande Capital.

“**Khulasande**” or “**we**” or “**us**” means Khulasande Capital and its direct and indirect subsidiaries.

This Statement sets out how your personal information will be used by Khulasande and applies to any information, including personal and special personal information, you provide to Khulasande, or which Khulasande may collect from third parties.

It is important that you read this Statement carefully before submitting any personal information to Khulasande.

The provisions of this Statement are subject to mandatory, unalterable provisions of Applicable Laws.

1. HOW TO CONTACT US

If you have any comments or questions about this Statement please contact the Information Officer, at 100 Grayston Drive, Sandton, 2196 or you may send an email to enquiries@khulasande.co.za.

2. ADDENDUM TO THIS STATEMENT

We may amend this Statement from time to time for any of the following reasons:

- To provide for the introduction of new systems, methods of operation, services, products, property offerings or facilities;
- To reflect an actual or expected change in market conditions or general financial services, lending or property practices;
- To comply with changes to any legal or regulatory requirement;
- To ensure that our Data Protection Statement is clearer, easy to read and in your favour;
- To rectify any mistake that might be discovered from time to time; and/or
- For any other reason which Khulasande, in its sole discretion, may deem reasonable or necessary.



3. PRIVACY AND SECURITY

Khulasande takes your privacy and the protection of your personal information very seriously. 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).

We have implemented reasonable technical and operational measures to keep your personal information secure once provided to us.

4. INFORMATION WHICH WE MAY COLLECT ABOUT YOU

We may collect the following information about you in order to provide you with services:

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;

- Information about your beneficial owner (if applicable);
- Records of correspondence or enquiries from you or anyone acting on your behalf;
- Details of transactions you carry out with us;
- Details of contracts, sales or leases you carry out with us;
- Your credit history, where you have applied for credit or where we have agreed to provide credit to you;
- Sensitive or special categories of personal information, including biometric information, such as images, fingerprints and voiceprints.

We may require you to provide additional personal and tax-related information, in order for us to meet our legal or regulatory obligations. For tax reporting purposes, we may collect information belonging to persons who have authority or effective control over your account/the accountholder (this includes a person with power of attorney and for some passive entities, all the controlling persons of such entity). We may collect this information from you or such other persons.

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. HOW WE COLLECT INFORMATION

You may provide personal information to us either directly or indirectly (through an agent acting on your behalf, an independent financial advisor 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 or any other means.

We may also collect your personal information from your appointed agent, Financial Services Provider, any regulator, or other third party that may hold such information required to provide you with services.

In instances where you have applied for credit or where we have agreed to provide credit to you, we may conduct searches at credit bureau(x). Details of our searches will be kept by the credit bureau and will be available to other businesses that conduct searches with that agency for the purposes of meeting our regulatory obligations, credit assessments, debt recovery, management of your accounts, prevention of money laundering and fraud and statistical analysis. In instances where you apply for credit, we will tell you, where permitted by law, if we make a decision about you relating to your credit scoring or eligibility for our products or services based solely on an automated decision-making process. You will be given a reasonable opportunity if permitted by law or code of conduct to make representations about a decision.

6. USE OF INFORMATION COLLECTED

We may use, transfer and disclose your personal information for the purposes of:

- Providing you with the services, products or offerings you have requested, and notifying you about important changes to these services, products or offerings;
- Managing your account, investment, contractual arrangement or relationship and complying with your instructions or requests;
- Complying with your instructions;
- Detecting and preventing fraud and money laundering and/or in the interest of security and crime prevention;
- Assessing and dealing with complaints and requests;
- Operational, marketing, auditing, legal and record keeping requirements;
- Conducting sanctions and politically exposed person screening against any relevant list;
- Verifying your identity or the identify of your beneficial owner;
- Complying with Applicable Laws, including lawful requests for information received from local or foreign law enforcement, government and tax collection agencies;
- Conducting market research and providing you with information about Khulasande's products or services from time to time via email, telephone or other means (for example, events);
- Ensuring that where you have unsubscribed from certain direct marketing communications, we do not send such direct marketing to you again;
- Disclosing your personal information to third parties for reasons set out in this Statement or where it is not unlawful to do so;



- Complying with an obligation imposed by inter-bank agreements and payment clearing rules;
- Monitoring, keeping record of and having access to all forms of correspondence or communications received by or sent from Khulasande or any of its employees, agents or contractors, including monitoring and recording telephone communications between you and Khulasande to be used in the event of any dispute arising between you and Khulasande ; and
- Improving or evaluating the effectiveness of Khulasande's business or products, services or offerings.

We may from time to time contact you about services, products and offerings available from Khulasande 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.

7. DISCLOSURE OF YOUR INFORMATION

Your personal information may be shared with our agents and sub-contractors, and selected third parties who process the information on our behalf.

We may also disclose your personal information to third parties in the following circumstances:

- To other third parties to -
 - assess and monitor any of your applications for Khulasande products or services, including the risk involved to comply with Applicable Laws;
 - expedite account opening and facilitate the opening of further accounts;
 - keep your usual contact within Khulasande informed of the progress of any new applications for new accounts, and the other way around;
 - have a better understanding of your circumstances and needs to provide and improve Khulasande 's products and services;
 - comply with Applicable Laws requiring Khulasande and/or any third party to collect information about an account holder's tax residency, which Khulasande may, at time, be obliged to report to SARS (for example, where the account holder is a US Entity and/or has tax residency outside of South Africa, or where the account holder fails to provide tax related information or where the self-certification provided by the account holder is incorrect or incomplete); and
- To a person and/or entity authorised to receive such information 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;
- To any regulator or supervisory authority, including those in foreign jurisdictions, if Khulasande is required to do so in terms of Applicable Laws;
- To a prospective buyer or seller of any of our businesses or assets and/or obligations;
- To a person who acquires substantially all of the assets and/or obligations of Khulasande;
- 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 Khulasande , Clients or other third parties;
- To your agent or any other person acting on your behalf, an independent financial advisor or an introducer,. We may also disclose information about you and your relationship with Khulasande (including details of a related investment) throughout the term of that relationship.

We may transfer your information to an agent, sub-contractor or third party who carries on business in another country, including one which may not have data protection laws similar to those of the Republic. If this happens, we will ensure that anyone to whom we pass your information agrees to treat your information with the same level of protection as if we were dealing with it.



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 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

You may request details of personal information which we hold about you under the Promotion of Access to Information Act 2 of 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 Khulasande, please review our Promotion of Access to Information Act Manual located at <https://www.khulasande.co.za/wp-content/uploads/2022/02/Khulasande-PAIA-GUIDE-FINAL.pdf>

You may request the correction of personal information Khulasande 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, Khulasande may limit the products and services offered to you or elect not to open the account. Depending on the nature of the change, and Applicable Laws, we may be required to report the information to a tax authority or third-party financial institutions which are withholding agents.

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.

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

Should you believe that Khulasande has utilised your personal information contrary to Applicable Laws, you undertake to first attempt to resolve any concerns with Khulasande.

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:

Tel: 011 286 7000

Email: enquiries@khulasande.co.za



11. COOKIES

Cookies are information that is used to track visitor use of a website and to compile statistical reports on website activity. If you wish to restrict or block cookies, you can do this through your browser settings. If you require more information on cookies, see the Privacy and Cookies section in our website https://www.khulasande.co.za/wp-content/uploads/2022/02/KCP_privacy_policy.pdf