

# ECHO SERVICE PROVIDER

## PRIVACY POLICY

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## 1. Definitions

In this Policy unless the context indicates otherwise, the following words and expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings: -

- 1.1 “**Child**” means any natural person under the age of 18 (eighteen) years;
- 1.2 “**Consent**” means any voluntary, specific and informed expression agreeing to the processing of personal information;
- 1.3 “**Data Breach**” means an incident which leads to the intentional, unintentional or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Information under the control of or in the possession of Echo;
- 1.4 “**Data Subject**” has the meaning ascribed thereto under POPIA;
- 1.5 “**Direct Marketing**” means to approach a person, either in person or by mail or electronic communication, for the direct or indirect purpose of (a) promoting or offering to supply, in the ordinary course of business, any goods or services to the person; or (b) requesting the person to make a donation of any kind for any reason;
- 1.6 “**Echo**” means Echo SP SA (Pty) Ltd, with registration number 2018/103951/07 and its respective direct and indirect subsidiaries and associate companies, as may be applicable (for the avoidance of doubt, any reference to “we” and/or “us” in this Policy shall mean Echo);
- 1.7 “**Operator**” means a person or entity who Processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that Responsible Party;
- 1.8 “**Personal Information**” has the meaning ascribed thereto under POPIA;
- 1.9 “**Personnel**” means any employee (part-time or full-time) and/or director of Echo.
- 1.10 “**Policy**” means this Privacy Policy as may be updated by Echo from time-to-time;
- 1.11 “**POPIA**” means the Protection of Personal Information Act No. 4 of 2013 including any regulation thereto as amended;
- 1.12 “**Processing**” and/or “**Process**” has the meaning ascribed thereto under POPIA;
- 1.13 “**Products**” means any goods or products sold/rented, or to be sold/rented, by Echo directly or through its agents, affiliates and/or subcontractors;
- 1.14 “**Record**” has the meaning ascribed thereto under POPIA;
- 1.15 “**Regulator**” means the Information Regulator established in terms of the POPIA;
- 1.16 “**Responsible Party**” means a public or private body or any other person which alone or in conjunction with others determines the purpose of and means for Processing Personal Information;

- 1.17 “**Services**” means any services provisioned and/or to be provisioned either by Echo directly or through its agents, affiliates and/or subcontractors including, without limitation, connectivity, cloud, network security, IOT, voice, IAAS, hosting, VPN, and/or VDC services;
- 1.18 “**Sites**” websites, social media sites, applications, customer portals, emails, surveys, sales, marketing or events and any related services
- 1.19 “**Special Personal Information**” means Personal Information concerning a Data Subject’s religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sexual life, biometric information or criminal behaviour; and
- 1.20 “**Third Party/ies**” means any independent contractor, supplier, sub-contractor, agent, consultant, or otherwise any representative of Echo.

## 2. Introduction and Purpose

- 2.1 By engaging with Echo and its Personnel, either orally or in writing, for the provision of Products and Services, and/or otherwise by using Echo’s Products, Services and/or Sites, we may be required to Process certain Personal Information belonging to you as the Data Subject.
- 2.2 The purpose of this Policy is to inform you, as the Data Subject about how Echo Processes Personal Information your rights in this regard.
- 2.3 We understand the importance of protecting your Personal Information and are committed to protecting your right to privacy. In this regard, we shall observe and comply with our obligations under POPIA.
- 2.4 This Policy will apply to Personal Information collected directly from you as a Data Subject, as well as Personal Information collected by us indirectly through our affiliates, subcontractors, agents and/or service providers who collect your information on our behalf.
- 2.5 This Policy does not apply to links to third-party websites, plug-ins and applications; the information practices of Third Parties who we may engage with in relation to our business operations (including, without limitation, their websites, platforms and/or applications) which we do not own or control; or individuals whom Echo does not manage or employ. Echo does not control these third-party websites and is not responsible for their privacy statements/policies.
- 2.6 Kindly read this Policy carefully, as it will assist you in making informed decisions about sharing your Personal Information with us.
- 2.7 **BY USING OUR SERVICES OR PRODUCTS OR ACCESSING OUR SITES, YOU ARE DEEMED TO HAVE ACCEPTED, AND HAVE CONSENTED TO THE TERMS OF THIS POLICY AND TO ECHO PROCESSING YOUR PERSONAL INFORMATION IN TERMS OF THIS POLICY.**

## 3. The data and information we collect about you

- 3.1 Through your engagements/use of our Site, Services or Products, we may be required to collect the following Personal Information from you: -

<b>Identity information</b>	For example, your name and surname, identity documents/number, company details, job title, company registration, title, incorporation/registration documents etc.
<b>Contact information</b>	For example, physical address, mailing address, e-mail address, registered addresses, telephone numbers etc.
<b>Transactional information</b>	For example, log-in and account access information, details about service orders and payments to and from you and other details of products and services you purchase from us.
<b>Financial information</b>	For example, bank account information, VAT registration number, tax reference numbers etc.
<b>Technical information</b>	For example, IP address, login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access the website or customer portal.
<b>Profile information</b>	For example, your username and password, purchases or orders made by you, preferences, feedback and survey responses.
<b>Usage data</b>	For example, the number and frequency of users to each web page, how visitors and subscribers use and navigate websites as well as how long you use our website.
<b>Marketing and Communications Data</b>	For example, your preferences in receiving marketing from Echo and Echo's suppliers or third parties as well as your communication preferences.

- 3.2 We do not collect any Special Personal Information without the Data Subject's consent.
- 3.3 You may choose not to provide Personal Information to us when requested. However, if the Personal Information is required by law, or otherwise is necessary for us to provide you with our Products and Services, or for you to access our Sites, you may be unable to access our Sites and/or we may be unable to provide our Products and Services to you.

#### 4. How we collect your personal data/information

- 4.1 We may collect your Personal Information in the following ways:

<b>Interactions with us.</b>	When you communicate with us, verbally or in writing, or when we communicate with you, you may be required to provide us with your Personal Information for instance, without limitation, when you fill in forms; apply for our products or services or request a quotation for services; register for workshops or seminars; consent to feasibility studies being conducted; request information using contact forms; subscribe to our publications; request marketing information to be sent to you; log support requests; subscribe to our mailing lists; give us feedback or contact us; and/or apply for a job with us.
<b>Automated technologies</b>	When you use, or interact with our Sites and customer portal, we may collect Personal Information and technical data about you through use of cookies and similar technologies. In this regard, we may automatically collect technical data about your equipment, browsing actions and patterns, through the use of cookies, server logs and/or other similar technologies.
<b>From third party sources.</b>	We may obtain Personal Information about you from third parties and other sources, such as, resellers or customers who handle Personal Information on behalf of the Data Subject, recruitment agents, public databases, joint marketing partners, social media platforms. Examples of the information we receive from other sources include social media profile information (your name, gender, birthday, email, location, user

identification numbers for your contacts, profile picture URL and any other information that you choose to make public); marketing leads and search results and links, including paid listings (such as sponsored links). We will only Process such Personal Information for a legitimate purpose and in accordance with POPIA.

- 4.2 We will only collect Personal Information directly from you as the Data Subject, unless: -
- the information is contained in or derived from a public record or has deliberately been made public by the you;
  - you or a competent person (where the Data Subject is a child) has consented to the collection of the Personal Information from another source;
  - collection of the Personal Information from another source would not prejudice your legitimate interests;
  - collection of the Personal Information from another source is necessary to avoid prejudice to the maintenance of the law by any public body, including the prevention, detection, investigation, prosecution and punishment of offences; to comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue, as defined in section 1 of the South African Revenue Service Act, 1997 (Act No. 34 of 1997); for the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated; in the interests of national security; or to maintain the legitimate interests of Echo as Responsible Party or of a third party to whom the Personal Information is supplied;
  - same would prejudice a lawful purpose of the collection; or
  - same is not reasonably practicable in the circumstances of the particular case.

## 5. Purpose for Processing your Personal Information

- 5.1 Echo will only collect and use Personal Information in order to carry out its day-to-day business operations and discharge its obligations pursuant to the provisioning of any Services and/or Products. Most commonly, we may Process Personal Information of a Data Subject in order to, without limitation:
- onboard customers, partners, resellers, referral agents, and/or resellers;
  - process and verify requests for Products and Services and to compile quotations and proposals, or otherwise for purposes for which you specifically provide the information;
  - prepare and conclude service agreements and orders for Products and Services;
  - improve your experience on our website;
  - monitor the use of Echo's electronic systems and online platforms by customers;
  - respond to your queries, concerns and/or complaints;
  - carry out desktop/on site feasibility studies, installations and/or maintenance of Services;
  - perform Services and deliver Products to you;

- perform administrative and business functions and internal reporting/auditing;
  - carry out functions in connection with external audits;
  - update our records and keep contact details up to date;
  - recruit staff (including, carrying out background checks and processes for vetting of job applicants);
  - carry out credit checks which may be carried out by an external credit vetting agency;
  - carry out debt collections or legal processes;
  - contact you for Direct Marketing purposes subject to the provisions of paragraph 11 below;
  - discover and investigate non-compliance with this Policy and other Echo policies, and investigating fraud, or other related matters;
  - carry out any other functions that the Data Subject may consent to; and/or
  - enforce our legal rights and fulfil legal and contractual obligations.
- 5.2 Echo will only Process Personal Information of a Data Subject for specific, lawful and clear purposes and will ensure that the Data Subject is made aware of such purposes as far as is reasonably possible.
- 5.3 We may store your Personal Information in hardcopy format and/or in electronic format using Echo's own secure servers or by Third Parties via cloud services or other technology, with whom Echo has contracted with to support Echo's business operations such as One Drive and Soliditech.

## 6. Lawful Processing and safe keeping of your Personal Information

- 6.1 Where Echo is the Responsible Party, it will only Process the Personal Information of a Data Subject if:
- consent of the Data Subject is obtained;
  - Processing is necessary to carry out the actions for the conclusion of a contract to which a Data Subject is a party;
  - Processing complies with an obligation imposed on Echo by law;
  - Processing protects a legitimate interest of the Data Subject; or
  - Processing is necessary for pursuing the legitimate interests of Echo or of a third party to whom the said information is supplied
- 6.2 Echo is committed to protecting the Data Subject's Personal Information and will strive to take steps to prevent the accidental or unlawful destruction, loss, alteration, unauthorised access, or disclosure of the said Personal Information.
- 6.3 Although we cannot guarantee the absolute security of Personal Information, we shall take all reasonable steps or measures to ensure the security, integrity and confidentiality of Personal Information in our possession or under our control through the implementation of appropriate, reasonable technical and organisational measures to prevent loss, unlawful access and unauthorised destruction of Personal Information. To achieve this, we shall implement measures to: -

- identify all reasonably foreseeable internal and external risks to Personal Information in its possession or under our control;
  - establish and maintain appropriate safeguards against the risks identified;
  - regularly verify that the safeguards are effectively implemented; and
  - ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.
- 6.4 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.
- 6.5 Kindly be advised that internet communications are inherently unsecure unless they have been encrypted and/or appropriate security safeguards have been implemented. As a result, Echo is not liable for any interception or loss of Personal Information beyond Echo's reasonable control.

## 7. Children's privacy

Kindly note that the Sites, Services and Products are not intended for children and we do not knowingly collect any data or information relating to children.

## 8. Disclosure of Personal Information to Third-Party service providers

- 8.1 Echo's Third-Party service providers, including data storage and processing providers, may from time to time also have access to a Data Subject's Personal Information in connection with purposes for which the Personal Information was initially collected to be Processed. The said Third Parties do not use or have access to your Personal Information other than for purposes specified by Echo.
- 8.2 Echo may disclose Personal Information to certain Third Parties for the purposes of provisioning Products or Services to its customers/the Data Subject or otherwise those listed under paragraph 5 above, for example, service providers may be used, inter alia, for sub-contracting of services, data storage, debt collections, insurance purposes, external compliance organisations, auditing processes, to notify Data Subjects of any important information pertaining to Echo etc. In this regard, Echo will enter into written agreements with such Third Parties to ensure that they Process any Personal Information in accordance with the provisions of POPIA.
- 8.3 Echo will only disclose Personal Information with the consent of the Data Subject or if Echo is permitted to do so without such consent, in accordance with the provisions of POPIA.

## 9. Transborder Flows of Personal Information

- 9.1 Your Personal Information may be Processed in South Africa or another country where Echo, its affiliates and Third-Party service providers maintain servers and facilities. Echo may be required to send your Personal Information to Third Parties situated in foreign jurisdictions (such as foreign suppliers), or otherwise store your Personal Information using Third Party services which are hosted in foreign jurisdictions, pursuant to the purposes stated in paragraph 5 above. In this regard, Echo shall only do so where if: -
- it has obtained your consent as the Data Subject;

- the recipient Third Party is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection which effectively upholds the principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a Data Subject, includes provisions that are substantially similar to those contained in section 72 of POPIA, relating to the further transfer of Personal Information from the recipient to third parties who are in a foreign country;
- the transfer is necessary for the performance of a contract between you and Echo, or for the implementation of pre-contractual measures taken in response to your request;
- the transfer is necessary for the conclusion or performance of a contract concluded between Echo and a third party in your interest; or
- the transfer is for your benefit, and it is not reasonably practicable to obtain your consent, and if it were reasonably practicable to obtain such consent, you would be likely to give such consent.

## 10. Your rights

10.1 Echo recognizes and gives effect to your rights as a Data Subject, which are as follows: -

10.1.5 to be informed and be notified:

10.1.5.1 that Personal Information about him/her or it is being collected in accordance with section 18 of POPIA; and

10.1.5.2 to be notified that your Personal Information has been accessed or acquired by an unauthorised person in accordance with section 22 of POPIA;

10.1.6 to access Personal Information and request a Responsible Party to confirm whether the Responsible Party holds Personal Information belonging to you including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the Personal Information and to request access to your Personal Information as provided for in terms of section 23 of POPIA;

10.1.7 to request the correction, destruction or deletion of your Personal Information in accordance with section 24 of POPIA;

10.1.8 to object, on reasonable grounds relating to your situation, to the processing of your Personal Information as provided for in of POPIA;

10.1.9 to object to the processing of your Personal Information at any time for purposes of direct marketing in terms of POPIA;

10.1.10 not to have your Personal Information processed for purposes of direct marketing by means of unsolicited electronic communications except as referred to in section 69 (1) of POPIA;

10.1.11 not to be subject, under certain circumstances, to a decision which is based solely on the automated processing of your Personal Information intended to provide a profile of such person as provided for in terms of section 71 of POPIA;

10.1.12 to submit a complaint to the Regulator regarding the alleged interference with the protection of the Personal Information or to submit a complaint to the Information Regulator in respect of a determination of an adjudicator as provided for in terms of section 74 of POPIA; and



10.1.13 to institute civil proceedings regarding the alleged interference with the protection of your Personal Information as provided for in section 99 of POPIA.

## 11. Direct Marketing

11.1 To the extent that Echo carries out Direct Marketing, it shall comply with its obligations under POPIA in relation to Direct Marketing. In this regard, Echo shall only Process your Personal Information for Direct Marketing purposes if you have provided us with your consent or you are an existing customer and: -

- 11.1.5 we obtained your contact details in the context of the sale of a product or service;
- 11.1.6 the Processing is carried out for the purpose of direct marketing of our own similar products or services; and
- 11.1.7 you have been given a reasonable opportunity to object, free of charge and in a manner free of unnecessary formality, to such use of your details at the time when the information was collected, and on the occasion of each communication with the Data Subject for the purpose of marketing if you had not initially refused such use.

11.2 If you do not wish for us to send any further Direct Marketing material to you, you may opt out from receiving any further Direct Marketing by responding to the communications, or emailing us at [privacy@echosp.co.za](mailto:privacy@echosp.co.za)

## 12. Retention of Personal Information

12.1 We will only retain your Personal Information for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements.

12.2 We may retain your Personal Information for a longer period where:

- retention of the Record is required or authorized by law;
- we require the Record to fulfil our lawful functions or activities;
- retention of the Record is required by a contract;
- you have consented to us retaining the Record; or
- the Record is required for historical, research or statistical purposes, provided that we have implemented safeguards to prevent use for any other purpose.

## 13. Further Processing of Personal Information

13.1 Further Processing of Personal Information by Echo will be in accordance or compatible with the purpose for which it was originally collected in accordance with POPIA.

13.2 Further processing of Personal Information is not incompatible with the purpose of collection if: –

- 13.2.5 you, as the Data Subject or a competent person (where the Data Subject is a child) has consented to the further processing of the Personal Information;
- 13.2.6 the information is available in or derived from a public record or has deliberately been made public by the Data Subject;

- 13.2.7 further processing is necessary to avoid prejudice to the maintenance of the law by any public body, including the prevention, detection, investigation, prosecution and punishment of offences; to comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue as defined in section 1 of the South African Revenue Service Act, 1997 (Act No. 34 of 1997); for the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated; or in the interests of national security; or
- 13.2.8 the further processing of the information is necessary to prevent or mitigate a serious and imminent threat to public health or public safety; or the life or health of the Data Subject or another individual;
- 13.2.9 the information is used for historical, statistical or research purposes and Echo is able to ensure that the further processing is carried out solely for such purposes and will not be published in an identifiable form; or
- 13.2.10 the further processing of the Personal Information is in accordance with an exemption granted by the Information Regulator.

## 14. Deletion of, access to, and updates to Personal Information

- 14.1 You may, in the prescribed manner, request Echo to: –
- 14.1.5 correct or delete Personal Information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or
- 14.1.6 destroy or delete a Record of Personal Information about the Data Subject which Echo is no longer authorised to retain in accordance with POPIA.
- 14.2 Kindly send us your requests in the prescribed form *via* email to [privacy@echospc.co.za](mailto:privacy@echospc.co.za)
- 14.3 Echo will destroy or delete a Record of Personal Information or de-identify it as soon as reasonably practicable after Echo is no longer authorised to retain the Record. The destruction or deletion of a Record of Personal Information will be done in a manner that prevents its reconstruction in an intelligible form.
- 14.4 Echo will take reasonable steps to ensure that all Personal Information is kept as accurate, complete and up to date as reasonably possible depending on the purpose for which Personal Information is collected or further processed. However, you are required to notify us immediately where the information you have provided us with is outdated or incorrect.

## 15. Cookies

- 15.1 Echo may sometimes use cookies which are packets of data that a website receives and saves on a computer/mobile device when a person visits the website. Cookies enable the website to record the website user's actions and preferences so that the said user does not need to re-enter the details whenever he/she/they reuses the website or a specific page thereof.
- 15.2 It is not necessary for cookies to be enabled, however, enabling them will provide the user with a better browsing experience.

- 15.3 You are able to delete or block cookies through you web browser settings, however this may prevent certain features from working on the website. The Help function within your browser should tell you how to restrict or block cookies.
- 15.4 We may use cookies to enable certain functions of our services and to provide analytics and we may be required to collect, store and use this information in order to compile non-personal statistical information about browsing habits, click-patterns and access to Echo's online services.
- 15.5 We do not use functionality or advertising cookies.

## 16. Consent

- 16.1 Where Echo is relying on a Data Subject's consent as the legal basis for Processing Personal Information, the Data Subject may withdraw his/her/its consent or may object to Echo's Processing of the Personal Information at any time. However, this will not affect the lawfulness of any Processing carried out prior to the withdrawal of consent or any Processing justified by any other legal ground provided under POPIA. Such withdrawal of consent will impact Echo's ability to render further Services.

## 17. Data Breach and Notification

- 17.1 Where Echo is the Responsible Party, it will address any Data Breach in accordance with the terms of POPIA. In this regard Echo will notify the Regulator and the affected Data Subject (unless the applicable law requires that we delay notification to the Data Subject) in writing in the event of a Data Breach (or a reasonable belief of a Data Breach) in respect of that Data Subject's Personal Information.
- 17.2 Echo will provide such notification as soon as reasonably possible after it has become aware of any Data Breach in respect of such Data Subject's Personal Information.
- 17.3 The notification shall contain: -
- 17.3.5 a description of the possible consequences of the security compromise;
  - 17.3.6 a description of the measures that Echo intends to take or has taken to address the security compromise;
  - 17.3.7 a recommendation with regard to the measures to be taken by the Data Subject to mitigate the possible adverse effects of the security compromise; and
  - 17.3.8 if known to Echo, the identity of the unauthorised person who may have accessed or acquired the Personal Information.
- 17.4 Where Echo acts as an Operator, it will notify the relevant Responsible Party immediately of a Data Breach where there are reasonable grounds to believe that the Personal Information of a Data Subject has been accessed or acquired by any unauthorised person.

## 18. Access to Information

- 18.1 A Data Subject, having provided adequate proof of identity, has the right to (a) request Echo to confirm, free of charge, whether or not Echo holds Personal Information about the Data Subject and (b) request from Echo the Record, or a description of the Personal Information about the Data Subject held by Echo, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information within a reasonable time, at a

prescribed fee, if any, in a reasonable manner and format and in a form that is generally understandable.

- 18.2 Should you require any access to your information in our possession, you may do so in accordance with the PAIA manual located on our website at [www.echosp.co.za](http://www.echosp.co.za)

### 19. Updates to this Privacy Policy

We may update this Policy at any time in our sole discretion. The revised Policy will be posted on our website on [www.echosp.co.za](http://www.echosp.co.za). We kindly request that you regularly review this Policy to stay informed about our privacy practices.

### 20. How to contact us

- If you have any questions about how your personal data is handled by Echo, you have a privacy concern, or you wish to make a request or a complaint relating to your Personal Information, please send an email to [privacy@echosp.co.za](mailto:privacy@echosp.co.za).
- You have the right to make a complaint at any time to the Information Regulator – South Africa's supervisory authority for data protection issues at <http://www.justice.gov.za/inforeg/>. We would, however, appreciate the chance to deal with your concerns before you approach the Information Regulator and would advise that you contact us in the first instance.
- Our details are as follows: -

<b>Registered Name:</b>	Echo SP SA (Pty) Ltd
<b>Registration Number:</b>	2018/103951/07
<b>Trading Name:</b>	Echo Service Provider
<b>Registered Address:</b>	1 <sup>st</sup> Floor, Building B, Monte Circle, 178 Montecasino Boulevard, Sandton, 2191
<b>Information Office:</b>	Anthony Southgate
<b>Contact No.:</b>	(087) 310 1700
<b>Email:</b>	privacy@echosp.co.za