



# Privacy Notice

EKHAMANZI SPRINGS Pty Ltd

Company Reg. No. 1997/012139/07

Before accessing or using our Sites, please ensure that you have read and understood our collection, processing, storage, use and disclosure of your Personal Information as described in this Privacy Notice.

Please note that this Privacy Notice does not address, and we are not responsible for, the privacy, information or other practices of any third-parties, including any third-party operating any site to which our Sites contain a link. The inclusion of a link on the Sites does not imply endorsement of the linked site by us or by our affiliates.

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## Contents

1. What is this Privacy Notice about? .....	1
2. What Personal Information do we collect about you? .....	1
3. What Personal Information do we not collect about you? .....	4
4. Collection of information from minors - warning for parents .....	5
5. Your choices and control over your information.....	5
6. How do we use your Personal Information? .....	6
7. To whom is your Personal Information disclosed? .....	8
8. What about transfers of Personal Information outside South Africa? .....	8
9. What about links to other websites, applications, platforms and the like? .....	9
10. What are your rights in relation to our processing of your Personal Information? .....	9
11. How long do we keep your Personal Information? .....	10
12. How do we protect your Personal Information? .....	10
13. Applicable laws.....	10
14. Updates to this Privacy Notice.....	10

## 1. What is this Privacy Notice about?

Ekhamanzi Springs (Proprietary) Limited t/a aQuellé, a company with registered office at Silverstream Farm, Kranskop, Kwa-Zulu Natal, 3268 ("Data Controller", "aQuellé", "we", "our" and "us") respects your privacy and wants you to be familiar with how it collects, uses and discloses information directly or indirectly relating to you as an individual ("Personal Information"), and the rights that you have in this regard.

**aQuellé** is the data controller (within the meaning of the Protection of Personal Information Act 4 of 2013 ("POPIA"), responsible for the processing of your Personal Information described in the Privacy Notice.

This Privacy Notice (the "Privacy Notice") also describes how the Data Controller processes your Personal Information collected in relation to websites (our "Websites") and applications, widgets and other mobile interactive features (collectively, our "Apps") (all collectively, Apps and Websites, the "Sites").

## 2. What Personal Information do we collect about you?

Through our digital platforms, either online or offline (aQuellé events), we collect and process Personal Information as follows:

**When you submit Personal Information to us.** We collect Personal Information about you when you actively provide it to us, such as when you register to create an account (where applicable), or post comments, photos and videos, or record your voice in the context of your participation in a promotion, submit an enquiry form, or chat with users.

**When you use our Sites and/or partner Sites.** We (and third-party partners on our behalf) collect non-Personal Information about you automatically as you use our Sites.

**When you are offline:** We collect your Personal Information when you are not using our Apps and/or Sites, for example when you participate in aQuellé events and/or affiliated events.

### Personal Information we may (but not necessarily) collect and process about you

**Contact and profile information** (where applicable): Personal Information, such as your name, phone number, address, business information, and e-mail address, when you register for our Sites, sign up for our mailing list, enter a contest, redeem a promotion, or enter a sweepstake, or otherwise communicate or interact with us (including, but not limited to: first name and last name; username; date of birth; email address; postal address and shipping address; country of residence; gender; telephone numbers; age; promotion pin code; or any other material used for promo participation).

**Preferences and interests information:** Preferences set for notifications, marketing communications and how our site is displayed.

**Social media profile:** When you interact with our Sites through various social media networks, such as Facebook, Twitter, YouTube, Instagram, or other platforms that permit users to interact with other

users and share content publicly. When you log into a social network via our Sites, you Like us on Facebook or another social network, when you follow us, share our content, or share content with us, we may receive information from those social networks.

We may also receive Personal Information from social media listening tools to help us handle customers' inquiries, comments, complaints and suggestions regarding aQuellé products and services made on social media channels, to monitor and analyse mentions from social media users about aQuellé products, services, corporate activities and issues with the purpose of evaluating the general sentiment and engagement, whilst identifying themes in conversations occurring within our community. Information we receive from social media may include your profile information, user ID associated with your social media account, and any other information you allow the social network to share with third-parties.

**User Generated Content (UGC), comments, chat and opinions:** When you contact us directly, e.g., by email, phone, mail, by completing an online form or by participating in an online chat, we will record your comments and opinions. We will also record comments and opinions you express when responding to surveys, entering sweepstakes or taking part in promotions we run. These categories of Personal Information may also include voice recording, photo and video, if you allow the Sites to use live video streams from your device camera. This functionality is used to provide you with an enhanced interactive experience.

### Information automatically collected

When you use our Sites, read our emails, or otherwise engage with us through a computer or mobile device, we and our third-party partners may automatically collect anonymous information about how you access and use our Sites and information about the device you use to access our Sites.

We use this information to enhance and personalise your user experience, to monitor and improve our Sites, and for other internal purposes.

We typically collect this information through a variety of tracking technologies, including cookies, web beacons, embedded scripts, region-identifying technologies, and similar technology (collectively, **"tracking technologies"**).

Tracking technologies will allow us to find nearby products for you; get you real-time offers; to provide you with personalised marketing communications; combat fraud; analyse and improve how our products perform; and fulfil other legitimate purposes.

You can accept and reject these technologies (except when necessary for the proper functioning of the Site) by adjusting your browser settings.

Listed below is the information we may collect automatically:

**Information pertaining to your use of our Sites** (e.g., how many times and for how long you interact with the Site, what videos you have watched, what raffles or contests you have participated in, which website you came from, how many times you clicked on an item).

**Personal Information** related to your interactions with our marketing communications (e.g., if you open them or not, if you click on them or not).

**Information about the device(s)** you use to access and interact with our Sites (e.g., this enables us to know if you are using a computer, a tablet or a smartphone, and such things as screen resolution, operating system, type of Internet connection, browser and IP address, and server log file information).

**Behavioural Data:** We monitor your behaviours on our site and other marketing platforms to tailor marketing communications related to your interests.

**Participation Data:** Personal Information pertaining to your participation in promotion, prize, poll, sweepstake, instant win promotion, contests and other types of promotions (e.g., type of promotion, date and time of participation in the promotion, outcome of the participation in the promotion, and information required for your prize fulfilment).

**Analytics information:** We may collect analytics data, or use third-party analytics tools, to help us measure traffic and usage trends on our Sites, to understand more about the demographics and behaviours of our users.

**Events and images:** We may collect and disclose your Personal Information, such as images in relation to events, in publications or on websites where the events are captured for promotional purposes. Where events are of a public nature and streamed or shared abroad, your attendance is taken as consent should you appear in any coverage of the event.

### Third-party data collection and interest-based advertising

**Interest-Based Advertising:** We participate in interest-based advertising and use third-party advertising companies to serve you targeted advertisements based on your browsing history. We permit third-party online advertising networks, social media companies and other third-party services to collect information about your use of websites and mobile apps over time so that they may display ads on Websites and Apps or Sites you may use. Typically, though not always, the information used for interest-based advertising is collected through cookies or similar tracking technologies, which recognise the device you are using and collect information, including click stream information, browser type, time and date you visit the site and other information. We and our third-party partners use this information to make the advertisements you see online more relevant to your interests, as well as to provide advertising-related Sites such as reporting, attribution, analytics and market research.

**Social Media Widgets and Advertising:** Our Sites may include social media features, such as the Facebook Like button, YouTube, Instagram, Twitter or other widgets. These social media companies may recognise you and collect information about your visit to our Sites and may set cookies or employ other tracking technologies. Your interactions with those features are governed by the privacy policies of those companies. We display targeted advertising to you through social media platforms, such as Facebook, Twitter and others. These companies have interest-based advertising programs that allow us to direct advertisements to users who have shown interest in our Sites while those users are on the social media platform, or to groups of other users who share similar traits, such as likely commercial interests and demographics. These advertisements are governed by the privacy policies of those social media companies that provide them.

**User Experience Information:** On some of our Sites, we use third-party tools to monitor user experience information. These tools automatically collect usage information, including mouse clicks and movements, page scrolling and any text keyed into website forms. The information collected does not include passwords, payment details, or other sensitive Personal Information. We use this information for site analytics, optimisation and to improve website usability. We do not intentionally permit this information to be shared with or used by third-parties.

Please note that our online and email advertising-related vendors may use pixel tags, web beacons or other similar technologies in connection with our Sites to help manage online and email advertising campaigns and strengthen the effectiveness of such campaigns. For example, if a vendor has placed a unique cookie on your computer, the vendor may use pixel tags, web beacons or other similar technologies to recognise the cookie during your visit to our Sites and to learn which of our online advertisements may have brought you to our Sites.

Interest-based data might be used by third-party companies in order to provide advertisements about goods and services of interest to you.

We may link or combine your activities and information collected from you on our websites and mobile apps with information we collect automatically through tracking technologies. This allows us to provide you with a personalised experience regardless of how you interact with us – online, on mobile or social media.

### 3. What Personal Information do we not collect about you?

We do **not** collect and process Personal Information (defined as "**Sensitive Personal Information**") pertaining to:

racial or ethnic origin;

political opinions;

religion or philosophical beliefs;

sexual life or orientation;

criminal background;

trade union membership;

genetic or biometric data;

We ask that you not send us, and not to disclose, any such Sensitive Personal Information through our Sites or otherwise to us.

## 4. Collection of information from minors - warning for parents

Persons under the age of 18 must not provide their Personal Information without the consent of parents, which may occur through contact forms provided on our Sites.

Individuals under the age of 18 cannot participate in the activities listed in section 6 when these are grounded on consent, such as receiving marketing communications and/or personalised messages based on location, and we will not process their Personal Information.

Parents should also be aware that our Sites provide links to related pages on other Sites, for which Sites we do not control content or bear responsibility.

## 5. Your choices and control over your information

**Profile and data sharing settings** (where applicable): You may update your profile information, such as username, address, or billing information, and may change some of your data sharing preferences on your Account Page.

**How to control your email preferences:** You can stop receiving promotional email communications from us by clicking on the “unsubscribe” link provided therein. You may not opt out of service-related communications (e.g., account verification, transactional communications, changes/updates to features of the service, or technical and security notices).

**Modifying or deleting your information:** If you have any questions about reviewing, modifying, or deleting your information, or if you want to remove your name or comments from our website or publicly displayed content, you can contact us directly as further detailed in Section 10 of this Privacy Notice. We may not be able to modify or delete your information in all circumstances.

**Geolocation** (where applicable): Subject to your consent being provided, your location may be shared with us. You may control location tracking by adjusting your location services settings on your mobile device. We may continue to approximate your location based on your IP address when you access the service through a computer or device.

**Photos, video, and voice recording:** You may control or choose to exclude, certain functionalities of our Sites concerning the processing of photos, video, live streaming, and voice recording by preventing our Sites from accessing the camera and/or microphone of your device.

**Cookies:** Most browsers allow you to adjust your browser settings to:

- let you identify cookies stored;
- remove existing cookies; and/or
- set your browser to automatically reject cookies.

Blocking or deleting cookies may negatively impact your experience using the Sites, as some features on our Sites may not work properly.

You may set your e-mail options to prevent the automatic downloading of images that may contain technologies that would allow us to know whether you viewed or engaged with our emails.

**Mobile advertising:** You may also be able to limit interest-based advertising through the settings on your mobile device by selecting “limit ad tracking” (iOS) or “opt-out of interest-based ads” (Android). You may also be able to opt-out of interest-based ads served by mobile ad networks.

## 6. How do we use your Personal Information?

- a) To respond to your inquiries and requests:
  - To respond to your inquiries, complaints and suggestions regarding our Sites, that you send us via Sites or other communication channels.
  - **Legal basis** for processing: our legitimate interests to handle, adequately and in a timely manner, customers' inquiries, complaints and suggestions regarding the Sites.
- b) To inform you about changes to the Sites' terms and conditions and to this Privacy Notice:
  - To send you information about the changes to the Sites' terms and conditions and to this Privacy Notice.
  - **Legal basis** for processing: our legitimate interests to inform you well in advance of those changes taking effect.
- c) Marketing communications:
  - To send you or have our commercial partners (individually a "Commercial Partner" and collectively "Commercial Partners") send you direct marketing communications via different channels, such as email or SMS. Direct marketing communications inform you, among others, about promotions or other similar activities, about aQuellé and affiliated brands, products and Sites.
  - **Legal basis** for processing: your consent.
  - During an ongoing promotion, you can also change your settings in your profile (where applicable). Outside of any promotion, you may connect with us via <https://www.aquelle.co.za>. Alternatively, you can also let us know that you wish to withdraw your consent by email, by calling us or writing to us using the contact information listed in section 10 of this Privacy Notice.
- d) Personalisation of marketing communications:
  - We may tailor our marketing communications to you (including personalisation of ads and recommendation of content displayed on our digital properties and third-party websites desktop and mobile applications) based on:
    - i. your profile information;
    - ii. how you interact with our Sites (e.g., logging in, entering a promotion, winning, quiz participation, uploading content); and/or
    - iii. your interactions with our marketing communications (e.g., if you open them or not, if you click on them or not, if you watch them or not, if you engage with them or not).

- **Legal basis** for processing: your consent.
  - You can withdraw your consent to receive direct marketing communications, by clicking on the link "Unsubscribe" at the bottom of every marketing email. During an ongoing promotion, you can also change your settings in your profile. Alternatively, you can let us know that you wish to withdraw your consent by email, by calling us or writing to us using the contact information listed in section 10 of this Privacy Notice.
- e) Promotions, special offers, prize draws and other offers/promotions:
- To allow you to participate in promotions, special offers, prize draws and other offers/promotions (e.g., for sending you reminder emails, transferring your Personal Information to fulfilment partners). Personal Information that must be provided to register with an offer/promotion usually includes your email address, user ID and password.
  - **Legal basis** for processing: The processing of your Personal Information for this purpose is based on performance of the relevant promotion terms and conditions.
- f) Data analytics for reporting and analysis purposes:
- We collect your Personal Information on our websites and/or mobile applications to create aggregated and anonymised reports and to measure the performance of marketing campaigns. From this analysis, we derive market trends for our digital activities and use them to improve and adapt our products and services.
  - For this purpose, we may collect information pertaining to your use of our websites and/or mobile applications and information about the device(s) you use to access and interact with the services, including when you:
    - i. register, verify your email address, verify your phone number, log out, or log in to one of our websites and/or mobile applications.
    - ii. accept a website's and/or mobile application's legal terms, such as its Terms & Conditions and Privacy Policy.
    - iii. interact with a website's and/or mobile application's content, such as clicking on a link, liking content, or sharing content.
    - iv. enter into a game, competition, or promotion, type in a pin code, scan a barcode or QR code from a product or selected a prize.
  - **Legal basis** for processing: our legitimate interests to improve our products and services.
- g) Technical functioning of the apps (if applicable):
- We collect and use your Personal Information to technically administer the apps and ensure that they function properly. In particular, we collect device state information when the App crashes (such as unique device identifiers, physical location of the device at the time of the crash) to identify the cause of the crash and do what is necessary to prevent it happening again.
  - **Legal basis** for processing: our legitimate interests in ensuring that the apps function properly from a technical / IT point of view.
- h) Compliance with our legal obligations:



- To comply with our legal obligations, legal proceedings or government authorities' orders which can include orders from government authorities outside your country of residence, when we reasonably believe that we are legally required to do so and when disclosing your Personal Information is strictly necessary to comply with the said legal obligations, proceedings or government orders.
  - **Legal basis** for processing: compliance with our legal obligations.
- i) Lawful protection of our interests:
- To lawfully enforce our terms and conditions, protect our operations or those of any of our affiliates, protect our rights, privacy, safety or property, and/or that of our affiliates, and allow us to pursue available legal remedies or limit the damages that we may sustain.
  - **Legal basis** for processing: our legitimate interest to lawfully protect our organisation.
- j) Fraud detection:
- We process your profile information, information pertaining to your use of our Sites and information about the device(s) you use to access and interact with our Sites, to identify if any fraudulent installations of our Sites are being committed.
  - **Legal basis** for processing: our legitimate interests to protect our organisation against fraud.

## 7. To whom is your Personal Information disclosed?

We may share information in a variety of circumstances for the functioning of our Sites, to respond to your requests, to improve your experience, and to otherwise conduct our business. For example, we may share information with:

- partners, and affiliates of Ekhamanzi Springs (Pty) Ltd t/a aQuellé, who may use your information in a manner consistent with this Privacy Notice;
- service providers to provide you with the services and engagement offered via our Sites;
- third-parties to fulfil your request, such as when you choose to share your activities with your friends and contacts

## 8. What about transfers of Personal Information outside South Africa?

To achieve the purposes described in this Privacy Notice, we may transfer your Personal Information to countries that might not offer the same level of protection. Our data transfers to the countries that do not offer an adequate level of protection are subject to appropriate safeguards in accordance with the **POPIA**, including standards issued by the relevant authorities.

## 9. What about links to other websites, applications, platforms and the like?

When using the Sites, you can come across links to other websites, applications and platforms that are not provided by us but by other companies. We are not responsible for such websites, applications and platforms, and this Privacy Notice does not apply to them. You should read the policies and rules that such companies have posted on their websites, applications and platforms to understand how they protect your privacy.

## 10. What are your rights in relation to our processing of your Personal Information?

### Your rights in relation to our processing of your Personal Information

With regard to our processing of your Personal Information described in this Privacy Notice, you may have the right under certain circumstances to:

- be provided with a copy of any Personal Information that we hold about you, and receive information about our processing of your Personal Information;
- require us to update or correct any inaccurate or incomplete Personal Information;
- require that we stop processing your Personal Information for:
  - i. personalisation of marketing push notifications; or
  - ii. the purpose of sending you direct marketing communications.

You may also have the right, in certain circumstances to:

- object to the processing of your Personal Information;
- require us to delete your Personal Information;
- restrict our processing of your Personal Information; and
- require us to transmit your Personal Information to you or to transfer or have it transferred to another data controller.

### Contacting us to exercise your rights

If you wish to exercise any of your rights, you can contact us using one of the options below:

- Download, complete and submit the relevant form in the PAIA Manual available on this Site
- Send an email: [mail@aquelle.co.za](mailto:mail@aquelle.co.za)
- Write to the postal address: Ekhamanzi Springs (Pty) Ltd, Private Bag 260, Kranskop, 3268
- Call us by phone: +27 (0)32 492 0500
- Use the contact form (where available) on our Sites

### **Right to lodge a complaint to the relevant data protection authority**

You have a right to lodge a complaint with the relevant supervisory authority if you are of the opinion that any of your Personal Information is processed in a manner constituting an infringement of the POPIA.

## 11. How long do we keep your Personal Information?

We intend to keep your Personal Information accurate and up to date. We will delete the Personal Information that we hold about you when we no longer need it, provided that no legal retention requirements exist.

## 12. How do we protect your Personal Information?

The security of your information is very important to us, and we have put in place safeguards to preserve the integrity and security of information we collect and that we share with our Site providers.

However, no security system is impenetrable, and we cannot guarantee the security of our systems 100%. If any information under our control is compromised as a result of a breach of security, we will take reasonable steps to investigate the situation and, where appropriate, notify those individuals whose information may have been compromised and take other steps, in accordance with any applicable laws and regulations.

## 13. Applicable laws

This Privacy Notice is governed by and shall be construed in accordance with the POPIA and any other mandatory provisions of applicable laws in South Africa

## 14. Updates to this Privacy Notice

You can find out when this Privacy Notice was last amended by checking "LAST REVISED" at the top of this Privacy Notice.

If you object to any changes, you may close your account (where applicable). Continuing to use our Sites after we publish changes to this Privacy Notice means that you have read and understood the changes.

You can print, download or otherwise retain a copy of this Privacy Notice (and of any revised version) for your records.