

CRUX COMPLIANCE PRACTITIONERS

THE PROTECTION OF PERSONAL INFORMATION (POPI) ACT POLICY

The Protection of Personal Information (POPI) Act requires us to inform clients how we use and disclose Their personal information obtained from them. We are committed to protecting our clients privacy and will ensure that the clients personal information is used appropriately, transparently and according to applicable law. Your right to privacy and security is very important to us. We, treat personal information obtained as private and confidential and are committed to providing you with secure access to our services.

This Privacy Policy tells you how we will process and protect your personal information. It should be read together with our Terms of Service, which outlines what services we provide, how we provide our services and what we do with your personal information. It is important that you read, understand and accept our Terms of Service if you would like to use our services.

1. Personal information, in terms of the Protection of Personal Information Act, 4 of 2013 (“POPIA”), means “information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person”. South Africa’s Constitution, Act 108 of 1996, provides that everyone has the right to privacy. This includes the right to protection against the unlawful collection, retention, dissemination and use of your personal information. Because of the sensitivity of some personal information, we ensure that the way we process your personal information complies fully with POPIA.

This Privacy Policy applies to any of your personal information that we collect and process through our websites, cruxcompliance.co.za and or which you authorise us to collect from third parties.

You will see that some of the words listed in this Privacy Policy are in italics. Those words are defined in POPIA and those definitions apply to this Privacy Policy. For example, under POPIA, you are defined as a data subject.

Our Privacy Policy terms may change from time to time. When we change them, the changes will be made on our website. Please ensure that you visit our website and regularly read this Privacy Policy. Although we do not promise to do so, we may give you notice of any changes we think are important.



2. Your rights under this Privacy Policy

You have the right to have your personal information processed lawfully. Your rights include the right:

- to be notified that your personal information is being collected or that your personal information has been accessed or acquired by an unauthorised person e.g. where a hacker may have compromised our computer system;
- to find out whether we hold your personal information and to request access to your personal information;
- to request us, where necessary, to correct, destroy or delete your personal information;
- to object, on reasonable grounds, to the processing of your personal information;
- to object to the processing of your personal information for purposes of direct marketing, including by way of unsolicited communications;
- not to be subject, in certain circumstances, to a decision which is based solely on the automated processing of your personal information;
- to submit a complaint to the Regulator if you believe that there has been interference with the protection of your personal information, or if you believe that an independent adjudicator who may be resolving your complaint against us, has not decided the matter correctly; and
- to institute civil proceedings against us if you believe that we have interfered with the protection of your personal information.

3. Types of personal information collected and how we collect it.

We collect and process your personal information to enable us to contact you for the purposes of understanding your requirements and delivering our professional services in accordance with your requirements. This information will be obtained directly from you unless you have authorised us to obtain information from third parties on your behalf. We from time to time are required to write to the regulators such as but not limited to the Financial Services Conduct Authority, Financial Intelligence Center and others to obtain updated client information services. The type of information we collect may depend on the need for which it is collected and will be processed for that specific purpose only. Where possible, we will inform the client what information is required to be provided to us and what information is optional.

We collect and process your personal information mainly to provide you with access to our services (and all other activities and processes incidental thereto), to help us improve our offerings to you and for certain other purposes explained below.

The type of information we collect will depend on the purpose for which it is collected and used (processed). We will only collect information that we need for that specific purpose.





Examples of the personal information that we collect are as follows (but it is not limited to the examples provided):

Some of your information that we hold may include, your first and last name, identity number, email address, a home, postal or other physical address, other contact information, your title, birth date, gender, marital status, details of a driving license, occupation, qualifications, past employment, residency status, assets, liabilities, telephone recordings of conversations, emails, your banking details, and information relating to Ombud claims and other investigation.

We collect information **directly from you**, where you provide us with your personal details, for example when you purchase a product or services from us or when you submit enquiries to us or contact us. Where possible, we will inform you what information you are required to provide to us and what information is optional.

We also collect information about you from other sources as explained below.

With your consent, we may also supplement the information that you provide to us with information we receive from other public sources such as Financial Services Conduct Authority, in order to offer you a more consistent and personalized experience in your interactions with us.

We will not intentionally collect and process the personal information of a child unless we have the permission of a competent person. The examples of collection are summarized below (but it is not limited to the examples provided) -

- Our computer systems,
 - Our website,
 - Customer Due Diligence and Application Forms,
 - Previous and current reports or other correspondence
 - Telephone Calls,
 - Emails,
 - Financial Services Conduct Authority reference check,
 - Social Media Platforms such as What's Up, Face Book etc.
- 



4. How we use your information

Given our aim to provide you with ongoing financial services, we would like to use your information to keep you informed about services which may be of particular interest to you. You may also give and withdraw consent and tell us what your communication preferences are.

We do not and will not sell personal information to a third party. We may disclose your personal information to our regulatory authority who are the supervisory body to the financial services industry.

We may share your personal information with, and obtain information about you from (read with examples of collection):

- Third parties for the purposes listed above, for example Financial Services Conduct Authority or service providers and fraud prevention agencies, law enforcement agencies, banks etc.,
- Other companies (as mentioned above) when we believe it will enhance the services and products, we can offer to you, but only where you have not objected to such sharing,
- Third parties or services providers such as IT providers, system administrators, etc. that enables us to operate as a registered compliance practice with the Financial Services Conduct Authority.

5. How consent is obtained

In order to use our services, you need to accurately complete a number of internal forms and documents available from us. These forms require that you provide us with certain personal information which includes, but is not limited to, your names, email address, your identity number, proof of address, contact numbers, and proof of banking. We also obtain your consent when you complete the forms allowing us to proceed with the transaction.

If you do not agree to any part of this Privacy Policy, please complete form 1 and email to our information officer.

Please refer to our PAIA manual for the procedure to be followed if you wish to gain access to your personal information that we hold.





6. How we process your personal information

The personal information that we collect from you will be used to provide the following services:

We will use your personal information only for the purposes for which it was collected or agreed with you, note examples below (but it is not limited to the examples provided):

Providing our services, to carry out the services requested and to maintain and constantly improve our relationship with our clients;

Confirming and verifying identity;

To conduct fit and proper reference searches or verification (including records from FSCA)

For purposes of FAIS Ombud claims history;

For purposes of corresponding with Regulators

For purposes of corresponding with the regulator of the Financial Services Conduct Authority

For purposes of compliance monitoring

For purposes of compliance reporting

For the detection and prevention of fraud, crime, money laundering or other malpractice;

Conducting market or customer satisfaction research;

For audit and record keeping purposes;

For resolving complaints

For operational purposes, and where applicable, credit scoring and assessment and credit management

In connection with legal proceedings.

Providing clients with communications in respect of Crux Compliance Practitioners and regulatory matters that may affect our clients;

In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law.

We will also use your personal information to comply with legal and regulatory requirements or industry codes to which we subscribe, or which apply to us, or when it is otherwise allowed by law.

We will only transfer your personal information outside the borders of South Africa with your consent and where the privacy legislation is of a high standard. We do not use your personal information for marketing purposes without your consent.





7.Retention, amendment and destruction of personal information

7.1. We only retain your personal information for a period necessary to achieve the purpose we collected it for, unless the longer retention of your personal information is required or authorised by law. Once we have achieved that purpose we will, as soon as reasonably practicable, destroy or delete the record of your personal information in accordance with the provisions of POPIA.

Where necessary, your information may be retained for legal purposes. Laws authorising or requiring the Collection of Personal Information Under certain circumstances we are authorised or required by law to collect your personal information. The laws in question include the following but not limited to :

- Financial Advisory and Intermediary Services Act, 2002
- Companies Act,2008

We are legally obliged to provide adequate protection for the personal information we hold and to stop unauthorized access and use of personal information. We will, on an ongoing basis, continue to review our security and risk management controls and related processes to ensure that your personal information is secure.

Our risk management (security) policies and procedures cover:

- Physical security,
- Computer and network security,
- Access to personal information,
- Secure communications,
- Security in contracting out activities or functions,
- Retention and disposal of information,
- Acceptable usage of personal information,
- Governance and regulatory issues,
- Monitoring access and usage of private information,
- Investigating and reacting to security incidents.

When we contract with third parties, we impose appropriate security, privacy and confidentiality obligations on them (our confidentiality agreements) to ensure that personal information that we remain responsible for, is kept secure.

We will ensure that anyone to whom we pass your personal information agrees to treat your information with the same level of protection as we are obliged to.

Personal Information is securely stored on administrative systems, computer systems, servers (in and outside South Africa), laptops, filing cabinets and one drive (cloud).

Your personal information is stored for a minimum of five years after the cancellation or termination of the transaction or business relationship in accordance with applicable legislation. We will take reasonable steps to destroy or de-identify your personal information when the law no longer requires us to retain or keep it.

7.2. It's important that your personal information is up to date and accurate.





8. Transfer of personal information to third parties

8.1. In order for us to carry out our obligations in terms of the services concluded between ourselves and you, we may need to pass your personal information on to third parties, such as our service providers and Regulators. This Privacy Policy records your consent to us passing your personal information onto those third parties.

8.2. We will ensure that your personal information is processed in a lawful manner and that the third parties or we do not infringe your privacy rights. In the event that we ever outsource the processing of your personal information to a third party operator, we will ensure that the operator processes and protects your personal information using reasonable technical and organisational measures that are equal to or better than ours.

9. Where we store your personal information

9.1. Protecting your personal Information is very important to us. We store your information on a Structured Query Language (“SQL”) Database within a Microsoft Server either hosted in the cloud in South Africa.

10. Transborder transfer of personal information

10.1. We will not transfer any personal information collected from you outside the borders of South Africa.

10.2. In the event that we transfer or store your personal information outside South Africa, we will take all steps reasonably necessary to ensure that the third party who receives your personal information is subject to a law, binding corporate rules or binding agreement which provides an adequate level of protection.

11. How we use cookies or other personal identification software

11.1. Our websites use cookies. Cookies are small software programmes that install themselves on your computer or your mobile device. They are intended to make your experience of visiting and navigating through our website easier and more pleasant. Cookies may collect personal information such as the identity of your computer or mobile device and your location.

11.2. If you do not want cookies to be installed on your computer or mobile device, please do not use our website. This means that you will not be able to use access our blogs. By using our website, you consent to cookies, including Google Analytics, being installed on your computer or mobile device.

12. Information Security

12.1. We promise that we will secure the integrity and confidentiality of your personal information in our possession or under our control. We will do this by taking appropriate, reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of your personal information; and unlawful access to or processing of your personal information.





12.2 We have also restricted the number of persons who can access your personal information to only our staff members that are required to work on your personal information.

12.3 While we will take every reasonable measure to protect your personal information, it is very important that you maintain control over your account and or information. You should prevent anyone from accessing your account or information by not disclosing your account details i.e. usernames, passwords or any information associated with your account.

13. Objecting to the processing of data for advertising purposes

Data subjects have the right to object at any time to the processing of personal data for marketing purposes. If you objects, Crux Compliance Practitioners will no longer process such personal data. Objections must be addressed to our Information Officer:

Mr JB Joannides

Email : justin@cruxconsulting.co.za

Phone : 011 234 4921

14. Business contact via our website

If you have provided us with personal data, we will store such personal data in our database so that it is able to follow up on previous business conversations held to provide additional information concerning our services and/or assist you in related services.

15. Email / direct mail campaign data

From time to time, Crux Compliance Practitioners may contact clients directly by mail, email, or telephone to provide information concerning services. We will, however, not contact a client with any commercial communications that are unrelated to the services provided by Crux Compliance Practitioners. When responding to one of these campaigns, clients may elect to provide us with personal information which will be used for the purpose indicated.

16. Survey data

From time to time, we may conduct surveys in respect of our service delivery. Participation in these surveys is optional. If, however, you respond to one of the surveys, you may elect to provide Crux Compliance Practitioners with personal information. Unless a you otherwise consent, we will only use the information to determine the type/s of services that may be of interest to the you and to operate and improve our service offerings.





17. Policy amendments

We may amend and/or update these standard terms and conditions at any time. Users are encouraged to frequently check our website for the purposes of familiarizing themselves with these standard terms and conditions, particularly in so far as they relate to the protection of personal information. Users acknowledge and agree that it is their responsibility to review these standard terms and conditions periodically and become aware of any amendments and/or updates.

18. Sale of business

In the event of a change in control of Crux Compliance Practitioners is acquired by another company, or preliminary discussions to that end, the personal data may be included in order that the acquirer may continue to effectively serve both Crux Compliance Practitioners and clients.

19. Acceptance of standard terms and conditions

By using Crux Compliance website, the user signifies acceptance of these standard terms and conditions. If a user does not agree to these terms and conditions, he/she is advised not to use our website. The continued use of the website following the posting of updates and/or amendments to these standard terms and conditions will be deemed to be an acceptance by such user of such updates and/or amendments.

20. Contacting

If a data subject/user has any questions concerning these standard terms and conditions and/or the practices and/or dealings of Crux Compliance website, kindly contact Information Officer.

21. The law governing this privacy policy

This privacy policy is governed by the laws of the Republic of South Africa. Any dispute arising out of this privacy policy will be resolved in a South African court.

Every person whose personal information we process has the following rights:

- You have the right to request copies of your personal information, subject to the terms and conditions described in our Promotion of Access to Information (“PAIA”) manual and our POPIA Policy which is available on request.
 - You have the right to request that we correct any information you believe is inaccurate,
 - You have the right to request that we erase your personal information, under certain conditions,
 - You have the right to object to us processing your personal information, under certain conditions
 - You have the right to lodge a complaint with the Information Regulator whose contact details is in our PAIA Manual and POPIA Policy.
- 



If you wish to object to the processing of personal information or if you wish to request for correction or deletion of personal information, then please complete Form 1 or Form 2 at the end of this privacy notice.

22. How to contact us

14.1. If you have questions and/or comments about our privacy policy or need to protect any of your rights set out in this policy, please contact our information officer on email address

justin@cruxconsulting.co.za or telephone number (011) 234 4921

14.2. Our physical address is Duxbury House, 15 Tana Road, Sunninghill, Johannesburg, 2157





THE PROTECTION OF PERSONAL INFORMATION (POPI) ACT DISCLOSURE AND CONSENT TO OBTAIN INFORMATION

The Protection of Personal Information (POPI) Act requires us to inform you how we use, disclose and destroy personal information we obtain from you. We are committed to protecting your privacy and will ensure that your personal information is used appropriately, transparently, securely and according to applicable law.

I, the undersigned, hereby consent to the following:

1. My personal information may be collected, processed, recorded, used and must be safeguarded during the rendering of compliance services to me by Crux Compliance Practitioners (CO3485) hereinafter referred to as Crux.
2. Crux may also add to my personal information, with information received from Regulators and third parties in order to offer a more comprehensive and appropriate service to me.
3. Crux may verify, share and disclose my personal information to the Regulators and third-parties whose services or products they use in order to adequately and appropriately render compliance to me.
4. Crux may also collect and processes my personal information for our own marketing purposes to ensure our products and services remain applicable and appropriate.

I hereby consent to and authorize Crux and any agency lawfully appointed by us to obtain and process the information as described above as part of our duty in law.

Furthermore, I understand that:

1. I have the right to access my personal information which Crux holds.
2. I have the right to ask Crux to update, correct or delete my personal information on reasonable grounds.
3. Once I object to Crux processing my personal information, Crux may no longer process my personal information, within reasonable parameters unless to conclude a transaction or outstanding business.
4. Should I wish to withdraw my consent to process my personal information, I must do so in writing, addressed to the Information Officer.
5. Once I withdraw my consent for Crux to process my personal information, I understand that Crux is still obliged under other legislation to keep the information for 5 years after termination of the relationship between the FSP and myself.
6. Crux may disclose my information where they have a duty or a right to disclose in terms of applicable legislation or where it may be necessary under any other law.

SIGNED AT.....ON THIS DAY.....OF.....2021



FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 2]**

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form sign each page.
3. Complete as is applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique Identifier / Identity Number	
Residential, postal or business address:	
Contact number(s):	
Contact number(s)	Code ()
Fax number / E-Mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / Registered name of responsible party:	
Residential, postal or business address:	
Residential, postal or business address:	
Contact Number(s)	Code ()
Fax number / E-Mail address:	
C	REASONS FOR OBJECTION INTERMS OF SECTION 11 (1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at this Day of 20.....

.....
Signature of data subject / designated person

FORM 2

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD
OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE
THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION 2018
[Regulation 3]**

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "X".

Request for:

- Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
- Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique Identifier / Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-Mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact Number(s)	
Fax number / E-Mail address:	

