

**PRIVACY POLICY**  
**KOSMOS MARINA CLUB**

- a) We as Kosmos Marina Club (hereinafter referred to as "KMC, we, us, our") appreciate the trust you (the data subject), as our members, place in us, and we recognise the value and privacy of the information you share with us. KMC, therefore, and take the protection of Personal Information exceptionally serious.
- b) The objects of KMC is to primarily to provide for members common launching, storage and club facilities convenient for boating from KMC site or sites, to enter into leasehold agreements with individual members establishing their entitlement to exclusive use of boathouses and shade cloth parking areas and to fulfil all the usual objects of a marina, an outdoor and indoor social club which shall at all times be non-political and non-racial.
- c) This Privacy Policy outlines how and why we collect your Personal Information, how your Personal Information is used and protected, when and with whom we share your Personal Information and what elections you can make about how we collect, use, and share your Personal Information.
- d) The Protection of Personal Information Act 4 of 2013 (POPIA) describes Personal Information as information that is about any individual, or from which any individual is directly or indirectly identifiable, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that individual.
- e) By providing KMC with your Personal Information:
  - i. You agree to the terms of this Policy and permit KMC to process such information as set out herein; and
  - ii. You authorise KMC, its associates, our service providers and other third parties to process your Personal Information for the purposes stated in this Policy.
- f) This Policy applies to all external parties with whom KMC interacts, including but not limited to individual clients, representatives of client organisations, suppliers, visitors to our offices, and other users of our services and products (hereinafter referred to as "you, your").

**1. THE INFORMATION COLLECTED**

- 1.1. Where KMC needs to process your sensitive Personal Information, KMC will do so in the ordinary course of our business, for a legitimate purpose, and in accordance with POPIA.

- 1.2. We may process various types of Personal Information about you, as follows:
  - 1.2.1. Identity information, which includes information concerning your name, username or similar identifier, marital status, title, occupation, interests, date of birth, gender, race and legal status, as well as copies of your identity documents, photographs, identity number, registration number and your qualifications;
  - 1.2.2. Contact information, which includes your billing addresses, delivery addresses, e-mail addresses and telephone numbers;
  - 1.2.3. Employer details, where you interact with KMC in your capacity as an employee of an organisation, the name, address, telephone number and email address of your employer, to the extent relevant;
  - 1.2.4. Financial information, which includes bank account details, payment method, bank account number or credit card number, invoice records, payment records (payments made to or received from you and company information), SWIFT details, IBAN details, payment amount, payment date, details of funds which we invest and hold on your behalf for a matter, insurance information, financial statements, tax clearance certificates and VAT registration numbers;
  - 1.2.5. Technical information, which includes your internet protocol (IP) address, your 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 our website or engage with us;
  - 1.2.6. Usage information, which includes data relating to your visits to our website, your device type, operating system, browser type, browser settings, IP address, language settings, dates and times of connecting to a website, and other technical communications information and location information, which includes geographical information from your access device (which is usually based on the GPS or IP location); and
  - 1.2.7. Marketing and communications information, which includes your preferences in respect of receiving marketing information from KMC as well as our third parties, and your communication preferences.
- 1.3. KMC will not gather excessive information.

- 1.4. KMC may collect more information than required for the intended purpose for future use with the necessary consent from you.

## **2. COLLECTION OF PERSONAL INFORMATION**

- 2.1. We collect information either:
  - 2.1.1. directly from the data subject;
  - 2.1.2. throughout our relationship with you;
  - 2.1.3. by providing accounting services to you or your organisation;
  - 2.1.4. when you make your Personal Information public;
  - 2.1.5. by visiting or interacting with our website or our social media platforms;
  - 2.1.6. when you visit our offices;
  - 2.1.7. records of your communications and interactions with us,
    - 2.1.7.1. including, but not limited to, your attendance at events or at interviews in the course of applying for a job with KMC and other mailings and interactions with you during the course of our digital marketing campaigns.
- 2.2. The source from which Personal Information was obtained, if not directly from you, will be disclosed to you.
- 2.3. We do not knowingly collect Personal Information from children (under 18 years of age) without the permission of their parent or guardian. As a parent or guardian, please respect this.

## **3. COMPULSORY PERSONAL INFORMATION AND CONSEQUENCES OF NOT SHARING**

- 3.1. The following information is compulsory Personal Information:
  - 3.1.1. your name and surname;
  - 3.1.2. your contact details, such as your email address and/or your telephone number;
  - 3.1.3. your physical address.
- 3.2. Furthermore, depending on the nature of your engagement or relationship with us, other types of Personal Information may be necessary, including:
  - 3.2.1. financial (including bank account details, tax information);
  - 3.2.2. names and registration numbers as contained in documents issued by the Companies and Intellectual Property Commission and the South African Revenue Service; and

- 3.2.3. information which may be necessary to ensure our compliance with the Financial Intelligence Centre Act, 38 of 2001.
- 3.3. All other Personal Information is optional, however, if you do not agree to share the above-mentioned compulsory Personal Information with KMC, then you will not be able to engage with us or make full use of our services and/or products and/or the features that are offered to you, including services and/or products which are available on the website.
  - 3.3.1. If you do not agree to share your optional information with us, then you might not be able to engage with us fully or receive complete and accurate services and/or products from us.

#### **4. THE USAGE OF INFORMATION**

- 4.1. KMC will process your Personal Information in the ordinary course of the business of KMC.
- 4.2. We will use your Personal Information only for the purposes for which it was collected and agreed with you, such as:
  - 4.2.1. To perform professional services to you;
  - 4.2.2. To perform our obligations under a contractual arrangement with you;
  - 4.2.3. To execute a transaction in accordance with your request;
  - 4.2.4. To undertake credit reference searches and/or verification;
  - 4.2.5. To fulfil your order or requests for services and provide customer service;
  - 4.2.6. To create and maintain your account;
  - 4.2.7. To conduct auditing and monitoring of transactions and engagement;
  - 4.2.8. To conduct marketing, personalization, and third-party advertising, subject always to your right at any time to opt out of such communication;
  - 4.2.9. To protect the security and integrity of our websites, mobile services and our business, and help prevent fraud;
  - 4.2.10. To update our operational and technical functionality;
  - 4.2.11. To conduct business analysis, such as analytics, projections and identifying areas for operational improvement;
  - 4.2.12. To conduct research and development; or
  - 4.2.13. For other activities and/or purposes which are lawful, reasonable and adequate, relevant and not excessive in relation to the provision of our services and/or products and/or the use of the website, our business activities or such other purpose for which it was collected.
- 4.3. KMC will primarily use your Personal Information only for the purpose for which it was originally or primarily collected. We will use your Personal Information for a secondary

purpose only if such purpose constitutes a legitimate interest and is closely related to the original or primary purpose for which the Personal Information was collected.

- 4.4. Notwithstanding the aforesaid, we automatically receive and record internet usage information on our server logs from your browser, such as your internet protocol address (IP address), browsing habits, click patterns, version of software installed, system type, screen resolutions, colour capabilities, plug-ins, language settings, cookie preferences, search engine keywords, JavaScript enablement, the content and pages that you access on the website, and the dates and times that you visit the website, paths taken, and time spent on sites and pages within the website (usage information).

## **5. DISCLOSURE OF INFORMATION**

- 5.1. We will not deliberately disclose your Personal Information, whether for commercial gain or otherwise, other than with your permission, as permitted by applicable law or in the manner as set out in this Privacy Policy.
  - 5.1.1. KMC may, where permitted or required to do so by applicable law, process your Personal Information without your knowledge or permission, if sufficient grounds of justification are present, and we will do so in accordance with the further provisions of this Privacy Policy.
- 5.2. KMC may disclose your Personal Information to our service providers and suppliers who are involved in the delivery of services and/or products to you.
- 5.3. When KMC shares your Personal Information with selected service providers who work on our behalf, we will ensure that appropriate protections of your Personal Information are in place with these third parties, in accordance with our obligations under the POPIA.
- 5.4. We may also disclose your Personal Information:
  - 5.4.1. Where we have a duty or a right to disclose in terms of law or industry codes;
  - 5.4.2. Where it is necessary for the purposes of, or in connection with, actual or threatened legal proceedings or establishment, exercise or defence of legal rights;
  - 5.4.3. Where we believe it is necessary to protect our rights;
  - 5.4.4. To enable us to enforce or apply our terms and/or any agreement you have with us;
  - 5.4.5. To any relevant third-party acquirer(s), in the event that we sell or transfer all or any portion of our business or assets (including, but not limited to, in the event of a reorganization, dissolution or liquidation);

- 5.4.6. To any relevant third-party provider, where our website uses third party advertising, plugins or content;
  - 5.4.7. We have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, is being or may be engaged in and we reasonably believe that it is necessary for us to take appropriate action in relation to the matter;
  - 5.4.8. With our employees, suppliers, consultants, contractors and agents if and to the extent that they require such Personal Information in order to process it for us and/or in the provision of services and/or products for or to us, which include know-how and research, pitching to other clients to obtain further instructions, reporting purposes (e.g. the South African Revenue Service), hosting, development and administration, technical support and other support services and/or products relating to the operation of our business or the website.
    - 5.4.8.1. We will authorise any Personal Information processing done by a third party on our behalf, amongst other things by entering into written agreements with those third parties governing our relationship with them and containing confidentiality; non-disclosure and data protection provisions. The necessary legal action will be taken, their contracts terminated or other appropriate action taken if such persons/companies fail to meet their obligations.
  - 5.4.9. The information is used only for historical, statistical or research purposes and is not published in an identifiable form.
- 5.5. Unless we have your clear informed consent or the law clearly allows us in certain limited circumstances, we will not:
- 5.5.1. Sell or rent Personal Information;
  - 5.5.2. Use your Personal Information for purposes that are different, unusual or unexpected in relation to the reason for collecting it in the first place; or
  - 5.5.3. Share your Personal Information with third parties in circumstances other than the ones we have referred to above.

## **6. RETENTION OF YOUR PERSONAL INFORMATION**

- 6.1. We will retain your Personal Information only:
  - 6.1.1. for as long as needed to provide the data subject with access to services and/or products he/she/it has requested;
  - 6.1.2. where the data subject has contacted us with a question or request, for as long as necessary to allow us to respond to the question or request and as required by law.

- 6.2. We will retain and use your Personal Information to the extent necessary to comply with our legal obligations (for example, if we are required to retain your data to comply with applicable laws), resolve disputes, and enforce our legal agreements and policies.
- 6.3. We confirm that once the retention period has lapsed, we will destroy your Personal Information in such a manner to prevent any reproduction thereof.

## **7. STORAGE OF YOUR PERSONAL INFORMATION**

- 7.1. All Personal Information, whether hard copy or a soft copy, which you provide to us will be held and stored securely and for the purpose for which it was collected.
- 7.2. The secure storage facilities for the Personal Information will be audited regularly by us.
- 7.3. The Information as contained in soft copies, will be stored electronically in a centralised data base.
- 7.4. Where appropriate, hard copies of Personal Information will be stored and retained safely under lock and key.

## **8. YOUR RIGHTS**

- 8.1. You have the right to request a copy of the Personal Information KMC holds about you. To do this, simply contact us at the numbers/addresses as provided in this Policy and specify what information you require. We will need a copy of your ID document to confirm your identity before providing details of your personal information.
- 8.2. The prescribed fees to be paid to us for copies of your Personal Information are listed in the Promotion of Access to Information Act.
- 8.3. You also have certain rights to withdraw consent or object to us using your Personal Information under POPIA, but these rights are limited. For example, if the purpose for which your Personal Information was requested initially does not exist anymore you may request that the information may no longer be used. We can decline your request to delete the information from our records if other legislation requires us to retain the information.

## **9. DATA ACCURACY**

- 9.1. It is important that the Personal Information we have about you is accurate and up to date. If your Personally Information changes you must contact us to correct and/or update same. We cannot be liable for any information that is incorrect and/or outdated.

## **10. DIRECT MARKETING**

10.1. We may process your Personal Information for the purposes of providing you with information regarding services and products that may be of interest to you. You may unsubscribe for free at any time.

10.2. You may opt out of receiving direct marketing communication from us at any time by requesting us (in any manner, whether telephonically, electronically, in writing or in person) to stop providing any direct marketing communication to you. You may send your opt-out requests to [solly@KMCps.co.za](mailto:solly@KMCps.co.za).

## **11. CONSUMER PROTECTION ACT, POPIA AND OTHER LAWS**

If this Privacy Policy or any provision in this Privacy Policy is regulated by or subject to the Consumer Protection Act, 68 of 2008, the POPIA or other laws, it is not intended that any provision of this Privacy Policy contravenes any provision of the Consumer Protection Act, POPIA or such other laws. Therefore, all provisions of this Privacy Policy must be treated as being qualified, to the extent necessary, to ensure that the provisions of the Consumer Protection Act, POPIA and such other laws are complied with.

## **12. COOKIES AND SIMILAR TECHNOLOGIES**

12.1. Website usage information may be collected using “Cookies” which allows us to collect standard internet visitor usage information.

12.2. When you visit our website, we may place Cookies onto your device, or read Cookies already on your device, subject always to obtaining your consent, where required, in accordance with applicable law.

12.3. We use Cookies to record information about your device, your browser and, in some cases, your preferences and browsing habits. We may process your Personal Information through Cookies and similar technologies, in accordance with our Cookie Policy.

## **13. SECURITY**



- 13.1. We take reasonable technical and organisational measures to secure the integrity of your Personal Information and using accepted technological standards to prevent unauthorised access to or disclosure of your Personal Information, and protect your Personal Information from misuse, loss, alteration, and destruction.
- 13.2. We review our information collection, storage and processing practices, including physical security measures periodically, to ensure that we keep abreast of good practice.
- 13.3. We also create a back-up of your Personal Information for operational, business continuity and safety purposes.
- 13.4. We have implemented policies and procedures to address actual and suspected data breaches and undertakes to notify you and the relevant regulatory authorities of breaches in instances in which we are legally required to do so and within the period in which such notification is necessary.
- 13.5. In this clause, you acknowledge that you know, and you accept that technology is not absolutely secure and there is a risk that your Personal Information will not be secure when processed by means of technology.
- 13.6. Whilst we will do all things reasonably necessary to protect your Personal Information, we cannot guarantee nor do we accept any liability of whatsoever nature for any unauthorised or unlawful disclosure and/or use of your Personal Information, either by employees and/or made by any third parties (including third party service providers) who are not subject to our control, unless such disclosure and/or use is as a result of our gross negligence.

#### **14. CHANGES TO THIS POLICY**

- 14.1. We reserve the right to modify this policy at any time, so please review it frequently. If we make material changes to this policy, we will notify you by email. The amended privacy & security policy will supersede and replace any previous policies with effect from the date on which it is published on our website.

#### **15. INFORMATION OFFICER AND RIGHT TO LODGE A COMPLAINT TO THE INFORMATION REGULATOR**

- 15.1. Our duly appointed Information Officer in terms of section 55 of the POPIA is \_\_\_\_\_ with the following contact details:
  - 15.1.1. Email address: \_\_\_\_\_.

15.1.2. Contact number: \_\_\_\_\_.

15.2. If a data subject is unsatisfied with the manner in which KMC addresses any complaint with regard to KMC's processing of Personal Information, the data subject can contact the office of the relevant Regulator, whose contact details are:

Tel: 012 406 4818

[www.justice.gov.za/inforeg](http://www.justice.gov.za/inforeg).