

# LE LABOUREXCEL.

LABOUR LAW, HR, LEGAL & BUSINESS SOLUTIONS

## Privacy Policy: Data Protection and POPIA

Our Website: [www.labourexcel.co.za](http://www.labourexcel.co.za)

Last updated: February 2022

Whereas DBLABOUR CC t/a LABOUREXCEL and all of its associated divisions, including but not limited to LE Consult, LE Legal, LE Human Resources, LE Skills, LE Empower We and Excall Legacy (“the Company”) respects the privacy of all personal data and private information collected, processed, and stored. As such, we undertake to handle all personal information received and processed with due care and provide the necessary security to safeguard all information held by us. Our internal system similarly allows us to proactively react should there be a breach of any kind, alternatively our privacy practices and POPIA policy dictate that we report any material breach to the Regulator. By using our website, you agree to the following. Please do not use our website or online products and services if you do not agree with this privacy policy.

### Interpretation and Definitions

The words that are capitalized or have their initial letter capitalized will have meanings defined under the following conditions. The following definitions shall have the same meaning regardless of whether they appear in singular or in plural. Any reference to gender will be in respect of all genders and shall not be exclusive unless mentioned in a strict and specific context.

#### Definitions

For the purpose of this Privacy Policy:

- **Account** means a unique account or profile created for you on the Company’s internal system, in which the Company’s services can be accessed and your personal information will be stored and/or processed;
- **Company** (hereinafter referred to as either “the Company”, “We”, “Us”, or “Our” in this Agreement) means **DBLABOUR CC t/a LABOUREXCEL and all of its associated divisions**, a company duly registered in terms of the Close Corporations Act 69 of 1984, with its registered place of business being situated at Suite 21, Frazzitta Business Park, Cnr Langeberg and Batis Rd, Durbanville.
- **Cookies** means small files that are placed on your computer, mobile device or similar device, containing the details of your browsing history on a specific website and can be used for analytics – also referred to as technical personal information;
- **Country** means the Republic of South Africa;
- **Device** means any device that can access the Company’s website such as a computer, a cellphone or a digital tablet;
- **Personal Information** or **Personal Data** means any information that can be used to reveal a person’s identity. Personal Information relates to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person (such as a company), including but not limited to information concerning:

- Race, gender, sex, pregnancy, marital status, national or ethnic origin, colour, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language and birth of person;
  - Information relating to the education or medical, financial, criminal or employment history of the person;
  - Any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
  - Biometric information of the person;
- **Service Provider** or **Operator** means any natural or juristic person who processes the data on behalf of the Company. It refers to third-party companies or individuals contracted to the Company to facilitate or administer the Company's website, to provide support on the Company's website and to assist the Company with analyzing how the website is used and/or the Personal Information collected by the Company's website;
  - **Usage Data** refers to data collected automatically, either generated by the website or from the website's infrastructure (i.e: the duration of a page visit or the amount of traffic on the website);
  - **You** means the individual accessing or using the Company's website, or the Company, or any other legal entity on behalf of which such individual is accessing or using the website, as applicable.

## Collecting and Using Your Personal Information

### Types of Data Collected

#### Personal Data

While using Our Website, We may ask You to provide Us with certain personally identifiable information that can be used to contact or identify You. Personally identifiable information collected via Our website may include, but is not limited to:

- Email address;
- First name and last name;
- Phone or cellphone number;
- Business address and/or contact details (including but not limited to VAT and registration numbers);
- Account details (for debit order and/or payment processes); and/or
- Usage Data

#### Usage Data

Usage Data is collected automatically when using the Company's website. Usage Data may include information such as Your Device's Internet Protocol address ("IP Address"), browser type, browser version, the pages of Our website that You visit, the time and date of Your visit, the time spent on those pages, unique device identifiers and other diagnostic data.

When You access Our website by or through a mobile device, We may collect certain information automatically, including but not limited to, the type of mobile device You use/own, Your mobile device unique ID, the IP Address of Your mobile device, unique device identifiers and other diagnostic data.

#### Tracking Technologies and Cookies

Tracking technologies used include, but are not limited to, beacons, tags, and scripts to collect and track information and to improve and analyze Our website.

##### Cookies:

The Company uses cookies, pixels, and other technologies (collectively referred to as "**cookies**") to recognize Your browser or device, learn more about Your company or industry, and provide You with essential features and services, as well as for additional purposes, including:

1. Recognizing You when you sign-up to use Our services. This allows Us to provide each user or data subject with customized features and services, if applicable.
2. Conducting research and diagnostics to improve the Company's website content, products, and services.
3. Preventing fraudulent activity.
4. Improving security.
5. Delivering content, including ads, relevant to Your interests.
6. Reporting. This allows Us to measure and analyze the performance of Our services and/or Our website.

Cookies can be "Persistent" or "Sessions" Cookies. Persistent Cookies remain on Your personal computer or mobile device when You go offline, while Session Cookies are deleted as soon as You close Your web browser. We use both Session and Persistent Cookies for the purposes set out below:

- Necessary / Essential Cookies: Session Cookies administered by Us and for the purpose of providing You with services available through Our website and to enable You to use some of its features. They help to authenticate users and prevent fraudulent use of user accounts.
- Cookies Policy / Notice Acceptance Cookies: Persistent Cookies administered by Us for the purpose of identifying whether users have accepted the use of Cookies on the website.
- Functionality Cookies: Persistent Cookies administered by Us for the purpose of allowing Us to remember choices made by You on Our website, such as remembering Your login details or language preference, and provide You with a more personal experience.

You can manage browser cookies through your browser setting. The "Help" feature on most browsers will tell you how to prevent your browser from accepting new cookies; how to have the browser notify you when you receive a new cookie; how to disable cookies; and when cookies will expire. If you disable all cookies on your browser, the Company, nor any of its third parties, will transfer cookies to your browser. If you do this, however, you may have to manually adjust some preferences every time you visit a site, and some features and services may not work.

The Company makes use of Google Analytics to administer, consider and analyze activity on Our website. Google's privacy policy can be accessed via <https://policies.google.com/privacy/embedded?hl=en-US>.

You may opt out of Google analytics by following these directions:

<https://support.google.com/analytics/answer/181881?hl=en#:~:text=You%20can%20opt%2Dout%20of,Google%20Analytics%20about%20visit%20activity>.

## Website Privacy and Use of Personal Information

1. Personal Information is collected only when knowingly and voluntarily submitted.
2. Personal Information is only used for the purpose for which it was collected and/or submitted or such secondary purposes that are related to the primary purpose.
3. In addition to where You have consented to the disclosure of Your personal information, Personal Information may be disclosed in special situations where the Company has reason to believe that doing so is necessary to identify or act against anyone damaging or interfering with Our rights, property, users and/or anyone else that could be harmed by such activities.
4. The Company may engage third parties to provide You with goods or services on Our behalf and in such circumstances may disclose Your Personal Information to such parties in order to provide such goods and services, strictly in terms of The Protection of Personal Information Act 4 of 2013 ("POPIA") and the following provisions:
  - I. With Service Providers: We may share Your Personal Information with Service Providers to monitor and analyze the use of Our Website and/or to contact You;
  - II. For business transfers: We may share or transfer Your Personal information in connection with, or during negotiations of, any merger, sale of Company assets, financing, or acquisition of all or a portion of Our business to another company;
  - III. With Affiliates: We may share Your Personal Information with Our affiliates; in which case We will require those affiliates to honor this Privacy Policy.

- IV. With Your consent: We may disclose Your Personal Information for any other purpose with Your express consent.

### **Retention of Your Personal Information**

The Company will retain Your Personal Information only for as long as it necessary for the purposes set out in this Privacy Policy. We will retain and use Your Personal Information to the extent necessary to comply with Our legal obligations, resolve disputes, and enforce Our legal agreements and policies.

The Company will also retain Usage Data for internal analysis purposes. Usage Data is generally retained for a shorted period of time, except when this data is used to strengthen the security or to improve the functionality of Our website.

### **Information security on our website:**

1. Any information that you upload on our website will be stored on a secure server and be used for limited purposes such as future communications (which you are always entitled to un-subscribe to).
2. The Company will not disclose, sell, rent, or disseminate your personal information to third parties without your consent unless the Company is compelled to do so by law. The Company may do so if you have granted consent thereto.
3. While all reasonable efforts are taken to ensure that your personal information is protected as it travels over the internet, the Company cannot guarantee the absolute security of any information you exchange with us due to reason beyond our control.

### **Financial information**

1. We do not have access to your financial information and only collects, stores and processes the financial information expressly provided by you.
2. All personal information relating to financial information will be treated as highly confidential by the Company and shall always be accompanied by the necessary consent or legal provisions.

### **Children's personal information:**

1. We do not have access to your children's personal information.
2. Any information pertaining to your children must be given with the prior consent of the parent or legal guardian; given voluntarily; and will only be stored or processed within the strict scope and/or mandate for which it was collected or provided.
3. All material efforts will be taken by the Company to ensure that no children's personal information is unlawfully and irresponsibly collected, stored or processed and is done strictly in terms of the Protection of Personal Information Act 4 of 2013 ("POPI").
4. We consider all personal information pertaining to children as highly sensitive and will never misuse, abuse, unlawfully process or share any of the aforementioned sensitive information with any third party prior to obtaining the necessary consent and/or is required to do so by law.

### **Your data protection rights:**

#### **Right to access and rectify your information:**

1. You may request that the Company remove and/or delete any of Your Personal Information held by the Company or one of Our Service Providers.
2. You have the right to request that the Company correct any information You believe is incorrect or inaccurate. You also have the right to request the Company to complete information You believe is incomplete.

#### **Right to object**

1. You have the right to object to Our processing of your personal information in terms of s11(3) of POPIA, as well as the right to request that the Company be restricted from processing Your Personal Information except under certain circumstances.

You may object by sending an email to our offices with the subject line: **“POPIA AND DATA PROTECTION”** and sent to the following email address: [info@labourexcel.co.za](mailto:info@labourexcel.co.za).

### **Right to complain**

You have the right to lodge a complaint with the Information Regulator (or directly to us on [info@labourexcel.co.za](mailto:info@labourexcel.co.za)):

Complaints to the Regulator: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

### **Changes**

From time to time it may become necessary to make changes to this privacy policy. It is your responsibility to periodically check our website for any changes.

### **Our Information and Contact Details:**

Name of Company: **DBLABOUR CC t/a LABOUREXCEL**

Information Officer: Available upon request from [info@labourexcel.co.za](mailto:info@labourexcel.co.za)

Email address: [info@labourexcel.co.za](mailto:info@labourexcel.co.za)

Contact number: Available upon request from [info@labourexcel.co.za](mailto:info@labourexcel.co.za)

Physical address: Available upon request from [info@labourexcel.co.za](mailto:info@labourexcel.co.za)