



# Smartcall Technology Solutions Website and WAP Site Privacy Notice

## 1. Applicability

Smartcall Technology Solutions (Proprietary) Limited (Hereinafter referred to as "Smartcall"), a Wireless Application Service Provider, is a privately held company incorporated in and subject to the laws of the Republic of South Africa.

This Smartcall Website and WAP Site Privacy Notice has legal force and effect in terms of section 11 of the Electronic Communications and Transactions Act, 25 of 2002.

## 2. Purpose

Your privacy is important to Smartcall. We are committed to respecting your privacy and the security and confidentiality of your personal data, communications and choices.

The purpose of this Smartcall Website and WAP Site Privacy Notice is to inform visitors to the website located at <http://www.smartcalltech.co.za> and the other Smartcall owned and operated internal and external websites, web-hosted applications, web pages and/or web properties, referred to in this Website and WAP Site Privacy Notice collectively as 'Sites', about how we treat your Personal Information, as defined in the Protection of Personal Information Act, No. 4 of 2013 (Hereinafter referred to as the "POPI Act") and your rights in relation to Smartcall's website privacy.

Please note that other Smartcall owned and operated Sites may contain their own specific Privacy Notices. Specific privacy notices will take precedence over this generic privacy notice in the event of a conflict between the two.

## 3. Scope

This Website and WAP Site Privacy Notice relates to the Personal Information collected electronically by or through the Sites, through, inter alia, the following means:

- Interactive Voice Response (IVR);
- Short Message Service (SMS);
- Unstructured Supplementary Service Data (USSD);
- Wireless Application Protocol (WAP);
- Online Based Billing (OBB);
- Events Based Billing (EBB);

- Location Based Services (LBS); or
- through email services related to the Sites and to other electronic communications arising from the Sites' services.

#### **4. Privacy Principles Subscribed to by Smartcall**

The broad privacy principles to which Smartcall subscribes are articulated in, inter alia, South Africa's Electronic Communications and Transactions Act, 25 of 2002 (Hereinafter referred to as the "ECT Act") together with the POPI Act and concern:

- Collection, collation, processing and disclosure of Personal Information;
- Processing limitation;
- Purpose specification;
- Further processing limitation;
- Record retention requirements;
- Limitation on disclosure;
- Third party disclosure of Personal Information;
- Destruction of Personal Information; and
- Exceptions for statistical purposes.

#### **5. Technologies Deployed in Providing Smartcall Website and WAP Site Services and Collecting Personal Information**

The following technologies are deployed in providing the Sites services:

- Cookies
  - 'Cookies' allow us to better serve users of the Sites when they purchase a product, subscribe to a service, request additional information or participate in various activities posted on our Sites. A 'cookie' is a bit of text that is placed on a user's computer hard drive when certain Sites are visited.
  - 'Cookies' may be placed on a user's computer by Smartcall and/or by third parties, which are used to obtain data such as user-name, shopping preferences and web pages or advertisements viewed by the user. When the user revisits our Sites, we can recognise him or her by the Internet 'cookie' and customise the users experience accordingly.

- You, as the user, can set your browser to provide notice whenever a 'cookie' is received, which gives you the opportunity to decide whether to accept it or not. Without 'cookies,' however, you may not be able to take full advantage of all our Site features.
- To the extent necessary in terms of any applicable legislation, by making use of the Sites, you expressly authorise Smartcall and/or its associated business partners to make use of cookies in order to optimise your user experience whilst interacting with our Sites and/or making use of any of our services.
- 'Clickstream'
  - Certain of our Sites may collect information about the 'clickstream' of users. This 'clickstream' data contains information on the pages that users came from, the navigational paths they took and the areas of the Sites they visited.
  - Smartcall may, from time to time, track such information from inside and outside of our Sites. Additionally, we may, from time to time, track and match 'clickstream' data with Personal Information that you provide to Smartcall in order to deliver content and other offerings such as new services to you. To the extent necessary in terms of any applicable legislation, by making use of the Sites, you expressly authorise Smartcall and/or its associated business partners to track and match clickstream data with your Personal Information in order to optimise your user experience whilst interacting with our Sites and/or making use of any of our services.
- Web Beacons
  - Certain email that you, as the user, receive from Smartcall may contain 'web beacons' which consist of a line of code on our Sites that deliver a small graphic image from another website or third party ad server. The 'web beacon' may not be visible as it is generally a 1x1 pixel in size and is designed to blend into the background of a web page. Web beacons allow third parties to obtain information such as the IP address of the computer that downloaded the page on which the web beacon appears, the URL of the page on which the web beacon appears, the time the page containing the web beacon was viewed, the type of browser used to view the page and the information in 'cookies' set by a third party. Smartcall may use 'web beacons' for activities such as monitoring the effectiveness of ad banners on our Sites and in the email sent to you, the user. To the extent necessary in terms of any applicable legislation, by making use of

the Sites, you expressly authorise Smartcall and/or its associated business partners to make use of web beacons in order to optimise your user experience whilst interacting with our Sites and/or making use of any of our services.

## **6. Security of Personal Information Collected and Processed**

Information protection is strongest when the information remains in the possession of the data subject as owner of the information. You, as the user and data subject, are requested to carefully consider the nature and risk of submitting Personal Information before doing so. To comply with applicable law and in line with international standards and best practice, Smartcall commits itself to exercising all reasonable diligence, care and skill in processing Personal Information through the use of technical, administrative and physical controls.

## **7. Personal Information Collected and Processed**

Smartcall collects the following Personal Information:

- Information you choose to provide in order to access our services;
- Information you choose to provide through the 'contact us' and 'support' facilities;
- Information you provide in communications such as email and when calling our customer care centre;
- Information you provide to our business partners and service providers;
- Information about you, such as your demographics and lifestyle, from other sources;
- Information collected through the use of common internet technologies such as 'cookies', 'clickstream' and 'web beacons' on our Sites and emails; and
- Two resources of Personal Information are collected and processed technologically during your visit to the Sites. Some information is transient and stored only for the purpose of current transactions such as payments and then deleted. Some information is persistent and stored for periods beyond the current transaction such as data from multiple transactions accumulated over time and retrieved when needed to enhance your experience and improve our services. To the extent any Personal Information is collected, stored, utilised and/or processed in any other manner whatsoever, by making use of the Sites, you, as the Data Subject, expressly authorise Smartcall and/or its associated business partners to collect the abovementioned Personal Information, to store the abovementioned Personal Information, to utilise the abovementioned Personal Information and/or to process the abovementioned Personal Information in such

reasonable manner as it deems necessary in order to optimise your user experience whilst interacting with our Sites and/or making use of any of our services.

## 8. Uses and Sharing of Personal Information

Smartcall uses the Personal Information you, as the user of the Sites and/or services, submit to us in order to furnish you with information and to provide you with the services that you request and/or subscribe to. Smartcall shall only process such Personal Information to the minimum extent same is necessary to achieve this end.

Personal Information, such as names, email addresses and mobile telephone numbers, collected through our Sites, by email and submitted by you, as the user, to Smartcall is necessary for the following:

- To respond to your requests for services;
- To respond to your requests for information;
- The marketing and promotion of Smartcall and other associated business partners services that we believe you may find of interest;
- For the statistical analysis of users' behaviour and for feedback purposes;
- For service development or the enhancement thereof;
- To customise and improve the content and layout of our Sites;
- For internal purposes, such as the administration and operation of our Sites; and
- For compliance with our legal obligations, policies and procedures.

Please note that, unless we have asked for and obtained your explicit consent, we do not share your Personal Information with third party marketers. Please note further that where Smartcall makes use of any 3<sup>rd</sup> party to process Personal Information collected by us, we have in place Data Protection Agreements which regulate the processing of such Personal Information in accordance with the provisions of the POPI Act.

We will use the Personal Information you, as the user, submit to us only for purposes consistent with the reason you submit it to us in the first place or, with your further permission, for other purposes, and only to the extent necessary to achieve such purposes.

When we provide your Personal Information to other companies on a temporary basis, in order for them to provide services to Smartcall, we require these other companies to protect your Personal Information in the same manner as Smartcall does. These third party service providers cannot use Personal Information for any purpose other than the reason you provided it to Smartcall.

In addition, the Personal Information you, as the user, provide us with is also used and shared with the following:

- Permanent or temporary staff and part-time contractors in the performance of their duties;
- Various third parties such as contractors, sub-contractors, suppliers and partners in the sourcing, supply and provision of services;
- Other service providers websites and WAP sites to which Smartcall Sites may link;

- Data analysis and market research to provide better services;
- Backup, archiving, business continuity and disaster recovery purposes;
- Information communication technology service and infrastructure providers that enable and facilitate wireless application services and the free flow of information; and
- Routine and non-routine internal requests, including e-Discovery, court orders and law enforcement investigations.
- The provision of information to regulatory bodies governing the provision of Smartcall services, including but not limited to, the Wireless Application Service Providers Association of South Africa ("WASPA")

## **9. Choices**

You, as the user, have the right to make choices as to what is done with your Personal Information. Sometimes, your choices are made in the form of content such as online purchases, subscribing to services, registration or opting in or out of receiving communications or marketing material and engaging and/or interacting with our Sites.

Once you, as the user, have submitted information to us and requested that we communicate with or market to you, you may at any time thereafter choose to opt out of further contact with us.

Personal Information submitted by you is kept for as long as the purpose for which you furnished it to us exists or for the retention periods specified in law.

## **10. Access to Your Personal information**

You, as the user, may access the Personal Information that we hold about you.

You can ask us to correct any errors or delete Personal Information we have about you.

To protect your privacy, the privacy of others and to ensure the integrity of our business information we may have to verify your identity before we allow access to or change the information that we have about you, as the user.

Access to your Personal Information by Smartcall's staff and third parties is limited and restricted by Smartcall through training, administrative, technical and physical controls in accordance with best practice standards.

All access to your Personal Information must comply with Smartcall's policy relating to the protection of Personal Information.

## **11. Important Information**

Smartcall processes Personal Information, some of which flows to and from other legal jurisdictions. Please be aware that there may be implications in terms of the specific legal requirements in South Africa and other legal jurisdictions which may, depending upon the actual location of Personal Information, be relevant or become relevant. Smartcall seeks to comply with complex technical and legal issues wherever possible, but users should be aware that international law and certain aspects of technology restrict our control in some respects.

As Personal Information is most safe, when under the control of its owners, you as the user and data subject, are cautioned to give careful consideration to the Personal Information you choose to disclose.

## 12. Limits on expectation of privacy

To comply with law and in line with international standards and best practice relating to the use of information technology in its business activities, Smartcall monitors and intercepts live communications such as IVR, SMS, USSD, WAP, EEB, LBS, email and website activity in compliance with of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 70 of 2002.

Subject to the provisions of the Electronic Communications and Transactions Act, 25 of 2002, South African and international privacy principles and, where necessary and if required by law, Smartcall will also access static data created, received, communicated and stored by Smartcall as part of Smartcall's Site services.

## 13. How to Complain

If you have a complaint, are concerned about your Personal Information or wish to report any malicious activity such as spamming, phishing and the like, please do the following:

- Contact our customer care centre on +27 (0)11 507 4630; or
- Send an email to [info@smartcalltech.co.za](mailto:info@smartcalltech.co.za).

## 14. Smartcall Privacy Information Officer

Smartcall has appointed a dedicated Privacy Information Officer who is responsible for the processing and protection of Personal Information.

In providing for your privacy, Smartcall uses a combination of technical, administrative and physical controls based on compliance with the law and in line with international standards and best practice.

Smartcall regularly reviews and enforces its own compliance with this Website and WAP Site Privacy Notice to ensure that our own conduct is in line with the privacy undertakings made to you.

Smartcall's Privacy Information Officer	
Name	Lorinda Wepener
Phone Number	+2782 998 1145
Email Address	<a href="mailto:lorinda@smartcalltech.co.za">lorinda@smartcalltech.co.za</a>

**15. Corporate Information and How to Contact Us**

<b>Smartcall Technology Solutions (Pty) Limited</b>	
Name	Smartcall Technology Solutions (Pty) Limited
Legal status	Privately held company
Physical address and the address for receipt of legal service of documents	15 Eastwood Road Dunkeld 2024 Johannesburg
Postal address	PO Box 412041 Craighall 2124
Phone number	+27 (0)11 507 4779 (switchboard) +27 (0)11 507 4630 (customer care)
Website address	<a href="http://www.smartcalltech.co.za">http://www.smartcalltech.co.za</a>
Email address	info@smartcalltech.co.za
Company registration number	2000/006777/07
VAT registration number	4780246692
Place of registration	South Africa
Directors and office bearers	Schmidt, Sasha Eve and Two-K Administration