

# Privacy Policy

This privacy policy ("**Privacy Policy**") applies to how we process your Personal Information (as defined in paragraph on page 2 below) when you visit the website of Coot Club, accessible at [www.cootclub.com](http://www.cootclub.com) (the "**Website**"), and/or any of the products/ services offered by us (whether via the Website or otherwise) (the "**Services**"). Please read this Privacy Policy carefully.

All of the provisions of this Privacy Policy are important, but please pay special attention to the parts that are in **bold writing**. These parts contain information about provisions that have special consequences for you. These parts are only intended to bring such provisions to your attention, and, where necessary, to explain their fact, nature and effect. Where explanations are given, they shall be contained in a box. Such boxed explanations are aids to understanding only and are not provisions themselves. They do not limit the meaning or application of the terms and do not apply only to the situations and examples described in the boxes or only to similar situations or examples.

## Introduction and scope

- Coot Club is a private company incorporated under and governed by the laws South Africa ("**Coot Club**" or "**we**" or "**us**" or "**our**").
- Unless otherwise specified in any other policy communicated to you, we are responsible for the processing of your Personal Information as we decide why and how it is processed, thereby acting as the "**responsible party**".
- We are committed to protecting and respecting your privacy. We strive to ensure that our use of your Personal Information is lawful, reasonable, and relevant to our business activities, with the ultimate goal of improving our services and your experience.
- This Privacy Policy sets out what we will do with any Personal Information we collect from or about you, or that you provide to us, when you use the Website and/or the Services.
- This Privacy Policy applies to:
  - us, and our successors-in-title; and
  - you ("**user**", "**you**", or "**your**"), namely any user who [accesses or uses the Website and/or the Services] (hereinafter collectively referred to as the "**Offering**"), regardless of the device which you use to access it, which device is capable of using, or enabled to use, the Website including, but not limited to, internet-connected mobile devices and tablets ("**Access Device**").
- This Privacy Policy does not apply to other parties' websites, products or services, such as websites linked to, from or advertised on the Website or through the Services, or sites which link to or advertise the Offering. To the extent permitted by

law, we are not liable for the privacy practices of a third party site to which there may be a link on the Website. We advise you to read the privacy policy of each site which you visit and to determine your privacy settings in accordance with your personal preferences.

**We are not liable if you suffer losses or damages when visiting third-party websites by following a link to that website from the Website. You accept that there may be risks when you use such third party websites, and you do so at your own risk.**

Consent to the Processing of your Personal Information

- **By agreeing to this Privacy Policy, you provide us with your express consent** and agreement that we may collect, get, receive, record, organise, collate, store, update, change, retrieve, read, process, use, share and process your Personal Information in the manner set out in this Privacy Policy, to the extent that such consent may be required to permit us to do so. When we do one or more of these actions with your Personal Information, we are "Processing" your Personal Information.
- **If you do not agree with this Privacy Policy, or are concerned about any aspect as it relates to your Personal Information, please do not continue to use the Website or the Services.**

**The above paragraph means that, by using our website, you expressly give your permission to us to Process your Personal Information in the manner and for the purposes set out in this Privacy Policy. By doing this, you know and accept that you are giving up certain parts of your right to privacy. You will not be able to take any action against us for using your Personal Information in the way that you have given us permission, even if you suffer loss or damage.**

**What Personal Information do we process?**

- We set out below what personal information about identifiable persons ("Personal Information") we collect.
- When you access and/or use the Website we collect:
  - **"device and device event information"**: We may collect information such as your IP address, unique device identifier, the nature of the Access Device which you used to access the Website, the geographic location from which you accessed our site, hardware model and settings, operating system type and version, browser language, system activity, and crashes;
  - **"log information"**: When you use the Website, we may automatically collect and store certain information in server logs when you access the Website,

which may include your site activity information, such as details of how, when and for how long you accessed the Website, what links you went to, what content on the Website ("Content") you accessed, the amount of Content viewed and the order of that Content and the amount of time spent on the specific Content.

- **"profile information"**: We may collect and Process information and usage data per profile to make targeted recommendations to that profile when using the Offering;
- **"location information"**: We may use various technologies to determine your actual location, such as geographical data from your Access Device (which is usually based on the GPS or IP location);
- **"unique application numbers"**: Certain Services may require or generate a unique application number. We may record information about your use of such Services against the applicable number from time to time whether actively or passively (via automatic updates); and
- When you subscribe to our email newsletters, we collect:
  - your name and surname and email address
- We may also collect other Personal Information from you in the following circumstances
  - if you submit your Personal Information to us for any other reason; and/or
  - if you contact us, by email or telephonically or otherwise, with any queries
  - if you enquire about any of our services, activities or products.
- Personal Information may either be directly provided by you (e.g. when filling an application form or interacting with a website or app), provided by third parties or obtained through trusted publicly available sources. To the extent necessary, you provide us with your consent to collect your Personal Information from such other third parties.
- Only your email address, name and surname, and contact details constitute mandatory information. If you do not agree to share such information with us, then you will not be able to make full use of the features that are offered to registered users of the Website [or our Services]. All other Personal Information is voluntary and, if you do not share such information with us, then you may not be able to enjoy all of the features and functionality on the Website [or our Services].
- **In the paragraph above, you agree and accept that there is certain compulsory information you must provide us with if you want to enjoy all of the features and functionality on the Website. If you decide not to provide us with such compulsory information, you agree that we may limit certain features and functionality on the Website. You will not be able to take any action against us if you suffer losses or damages in these circumstances.**

## How we collect your Personal Information

- We may collect your Personal Information in three ways, namely:
  - actively from you;
  - passively from your Access Device when you use the Website; and
  - passively from our affiliates and third party service providers.
- **active collection from you**
  - We may require you to submit certain information in order for you to make enquiries through the site or complete an application for any Services and we may collect Personal Information from you by asking you specific questions and by permitting you to communicate directly with us, for example via email, feedback forms, site comments and forums.
  - If you contact us, we may keep a record of that correspondence.
- **passive collection from your Access Device**
  - We passively collect some of your Personal Information from the Access Device which you use to access and navigate the Website, using various technological means, for instance, using server logs to collect and maintain log information.
  - We also use cookies and anonymous identifiers which enable our computer system to recognise you when you next visit the Website to distinguish you from other users and to improve our service to you, and which can be used to enhance the content of the Website and make it more user-friendly, as well as to give you a more personalised experience.
  - A cookie is a small piece of data (an alphanumeric identifier) which our computer system transfers to your Access Device through your web browser when you visit the Website and which is stored in your web browser. When you visit the Website again, the cookie allows the site to recognise your browser. Cookies may store user preferences and other information.
  - You may disable the use of cookies by configuring your browser to refuse all cookies or to indicate when a cookie is being sent. However, if you do so, you may not be able to enjoy all of the features and functionality of the Website.
  - The information which we may passively collect from your Access Device may include your identifying information, contact details, device and device event information, site activity information, log information, telephony log information, location information, unique application numbers and any other information which you permit us, from time to time, to passively collect from your Access Device.
- **passive collection from our affiliates and third party service providers**

- We collect some Personal Information passively from our affiliates and third party service providers purely to supplement information which you have already agreed to give us.
- Moreover, we are provided with some Personal Information by our affiliates and third party service providers. In such cases, we use such Personal Information in compliance with any reasonable restrictions on Processing notified to us by such affiliates and service providers from time to time, and in accordance with Applicable Law (defined above under **Introduction and Scope**).
- **passive collection from social networking sites (with your permission)**

### **How we Process your Personal Information**

- We will only Process your Personal Information if we have a proper justification under Applicable Law (defined above under **Introduction and Scope**). We will only process your Personal Information if permitted by law, which may include:
  - if we have obtained your consent;
  - if the processing is necessary to carry out actions for the conclusion or performance of a contract to which you are a party;
  - if the processing is necessary to comply with our legal or regulatory obligations;
  - the processing protects your legitimate interest.
- We use the Personal Information we collect to provide, maintain, and improve the Website, to provide current, and develop new, services, and to allow us to provide Services to you, [and to protect us and our users and customers]. We constantly strive to improve our users' experience, and so we also (in our sole discretion) use the information we collect in order to offer you information and Content which is more appropriately tailored for you.
- Subject to any express Processing restrictions set out in this Privacy Policy, we may use your Personal Information:
  - to retain and make available to you information on the Website;
  - to create your user account and ensure that it doesn't duplicate an existing user account on the Website and allow use of the Content;
  - as a registered user, to send you notifications and authenticate your identity when you view and access the Website;
  - maintain and update our customer, or potential customer, databases;
  - to establish and verify your identity on the Website;
  - process your bookings/applications for Services;
  - diagnose and deal with technical issues and customer support queries and other user queries, such as problems with our server, determine the optimal and fastest route for your Access Device to use in connecting with the Website, and administer, maintain and secure the Website;

- detect, prevent or deal with actual or alleged fraud, security or the abuse, misuse or unauthorised use of the Website and/or contravention of this Privacy Policy;
  - conduct market research surveys, product research and development;
  - provide you with the latest information about our services, provided you have agreed to receive such information;
  - communicate with you;
  - compile non-personal statistical information about browsing habits, click patterns and access to the Website;
  - improve the Website, analyse trends and administer the Website, including requesting feedback on Content and our Services, address any issues and liaise with users in that regard;
  - keep a record of our communications with you and your communications with us;
  - fulfil any contractual obligations we may have to you or any third party;
  - improve your user experience and the overall quality of our services;
  - customise the Website to your preferences and tailor information and/or Content for you to ensure that it is presented in the most effective manner for you and for your Access Device;
  - inform you about any changes to the Website, this Privacy Policy or other changes which are relevant to you;
  - subject to paragraphs 4.3.2 to 4.3.5 provide you with online personalised services and targeted advertising, including through the use of cookies;
  - subject to paragraphs 4.3.2 to 4.3.5, provide you with online recommendations of our products which we believe might be of interest to you, based on your log information;
  - to compile and use statistical information about you and other users and their access to and use of the Website, browsing habits, click-patterns, preferences, and demographics which we may use to develop, provide and improve the Website, including, recommendations to users and tailoring information and Content for users;
  - for security, administrative and legal purposes;
  - for customer relations; and
  - other activities not specifically mentioned which are lawful, reasonable, relevant to our business activities and the minimum necessary and adequate in order for us to provide the Website.
- We will get your permission before collecting or using your Personal Information for any other purpose.

## Sharing of your Personal Information

- We will not intentionally disclose, for commercial gain or otherwise, your Personal Information other than as set out in this Privacy Policy or with your consent.
- We will not sell, share, or otherwise transfer your Personal Information to third parties other than those indicated in this Privacy Policy.
- In the course of our activities and for the same purposes as those listed in this Privacy Policy, your Personal Information can be accessed by or transferred to the specific third parties identified in his Privacy Policy and the following further categories of recipients:
  - our personnel (including personnel, departments or other companies in our group of companies) on a strict need-to-know basis;
  - other suppliers and services providers that provide products and services to us;
  - our IT systems providers, cloud service providers, database providers and consultants [who are contractually obliged to protect the confidentiality and security of your Personal Information in compliance with Applicable Law (as defined above under **Introduction and Scope**)];
  - our business partners who offer products or services jointly with us;
  - any third party to whom we assign or novate any of our rights or obligations;
  - our advisors and external lawyers in the context of the sale or transfer of any part of our business or its assets; and
  - any national and/or international regulatory, enforcement, public body or court where we are required to do so by applicable law or regulation or at their request; and
  - other third parties in order to protect our rights, property or safety or that of our customers, employees, contractors, agents and any other third party; or in order to mitigate any actual or reasonably perceived risk to us, our customers, employees, contractors, agents or any other third party.
- The Personal Information we collect from you may be processed, accessed, stored in or transferred to a country outside South Africa, which may not offer a level of protection of Personal Information which is substantially similar to the protections as may be enjoyed in South Africa. If we transfer your Personal Information to any third party outside South Africa, we will do so in accordance with Applicable Law (defined above under **Introduction and Scope**).
- You furthermore agree that your Personal Information may be shared with governmental agencies, exchanges and other regulatory or self-regulatory bodies if we are required to do so by law or if we reasonably believe that such action is necessary to comply with the law or with any legal process; protect and defend the rights, property or safety of us, our affiliates or our customers, employees, contractors and agents or any third party; detect, prevent or deal with actual or

alleged fraud, security or technical issues or the abuse, misuse or unauthorised use of our site and/or contravention of this privacy policy; or protect the rights, property or safety of members of the public (if you provide false or deceptive information about yourself or misrepresent yourself as being someone else, we may proactively disclose such information to the appropriate regulatory bodies and/or commercial entities).

- We may use your Personal Information to compile profiles for statistical purposes and may freely trade with such profiles and statistical data, provided that the profiles or statistical data cannot be linked back to you.

## **Security**

- We take appropriate reasonable technical and organisational measures to secure the integrity and confidentiality of Personal Information, to prevent unlawful access to or Processing of your Personal Information, and to protect your Personal Information from loss, damage and destruction.
- We use encrypted servers which are stored on our premises or in other locations as operated by our partners.
- From time to time, we review our information collection, storage and processing practices, including physical security measures, to keep up to date with good practice.
- We also create a back-up of your Personal Information for operational and safety purposes.

## **Retention of your Personal Information**

- We will only retain your Personal Information for as long as necessary to fulfil the purpose for which it was collected or for as long as:
  - we are required by law, a code of conduct or a contract with you to keep it;
  - we reasonably need it for lawful purposes related to our functions and activities;
  - it is needed for purposes of our agreement with you; or
  - you agree to us keeping it for a specified further period.

## **Changes to this Privacy Policy**

- We may change this Privacy Policy from time to time. If we do so, we will post the revised policy on the Website and take reasonably practicable steps to ensure that you are aware of the updated Privacy Policy (including, if we have your e mail address, emailing you notifications of the updated Privacy Policy).

- **How to protect your Personal Information - your rights**

People have different privacy concerns. Our goal is to be clear about what information we collect so that you can make meaningful choices about what you make available. For example, you may:

- set your browser to block all cookies, including cookies associated with our services, or to indicate when a cookie is being sent by us (see paragraphs 4.3.2 to 4.3.5 above);
- request us to indicate what Personal Information of yours we hold;
- request us to correct or update your Personal Information (see paragraph 9) or to destroy or delete your Personal Information (subject to paragraphs 8 and 9.3);
- object to the Processing of your Personal Information in certain circumstances by law, including for direct marketing in certain circumstances; and/or
- request that your Personal Information is deleted if it is no longer required as contemplated in paragraph 8.

### **Applicable Law**

If this Privacy Policy or any Processing of Personal Information contemplated in this Privacy Policy is regulated by or subject to the Consumer Protection Act 2008, the Protection of Personal Information Act 2013 or any other applicable data protection laws (collectively "**Applicable Law**"), it is not intended that any provision of this Privacy Policy contravenes any provision of the Applicable Law. Therefore all provisions of this Privacy Policy must be treated as being qualified, to the extent necessary, to ensure compliance with Applicable Law. Furthermore, no provision of this Privacy Policy:

- does or purports to limit or exempt us from any liability (including, without limitation, for any loss directly or indirectly attributable to our gross negligence or wilful default or that of any other person acting for or controlled by us) to the extent that the law does not allow such a limitation or exemption;
- requires you to assume risk or liability for the kind of liability or loss, to the extent that the law does not allow such an assumption of risk or liability; or
- limits or excludes any warranties or obligations which are implied into this Privacy Policy by Applicable Law, to the extent that the Applicable Law does not allow them to be limited or excluded.

### **Queries**

If you have questions or concerns about this Privacy Policy, please contact us at [res@cootclub.com](mailto:res@cootclub.com)

### **Email Opt Out**

- If you would like to opt out of our email marketing list, please contact us at [res@cootclub.com](mailto:res@cootclub.com)