

## Privacy Policy

### Introduction

H and M Removal CC t/a H&M Removals and/or Simply Store (Registration Number: 1992/008375/23) (“**H & M Removals**”, “Us”, “We”, “Our”) which operates under [www.hmremovals.co.za](http://www.hmremovals.co.za) and [www.simplystore.co.za](http://www.simplystore.co.za) respectively, certain social media sites (collectively referred to as “**sites**”) and other all our services are accessible through the internet (“**Services**”). We are committed to protecting your privacy and complying with applicable data protection and privacy laws. This Privacy Policy will inform you as to how we Process your Personal Information and inform you about your privacy rights and how the law protects you (as data subject).

**By submitting Personal Information to us it will be seen as your consent to us to process the Personal Information. Reference to “consent”, “your consent” or “your explicit consent” or “informed consent” shall include the clicking on a “submit” or “Login” or “I agree” button or reply on an email after you have been made aware of the reference to this Privacy Policy.**

### 1) Important information and who we are

#### a) Responsible Party

- i) **As Responsible Party:** Where you use our sites and/ or request a quote for our Services, H & M Removals is the Responsible Party and responsible for your Personal Information.
- ii) We have appointed an information officer (IO) and Deputy Information Officers for various business units at H & M Removals, who is responsible for overseeing questions in relation to this Privacy Policy. If you have any questions about this Privacy Policy, including any requests, or wish to submit a complaint then please contact the IO: Anthony Healey on [sales@hmremovals.co.za](mailto:sales@hmremovals.co.za) or at 22 Madrid Road, Airport Industria, Matroosfontein, Cape Town, 7490, or on Telephone number: +27 21 380 4000.
- iii) You have the right to make a complaint at any time to the Information Regulator's office (IR), the Republic of South Africa's authority for data protection issues (<http://www.justice.gov.za/inforg/>). **We would, however, appreciate the chance to deal with your concerns before you approach the IR, so please contact us directly, in the first instance.**

#### b) Changes to the Privacy Policy and your duty to inform us of changes

- i) We keep our Privacy Policy under regular review. Archived versions (if available) can be obtained by contacting us. Any changes made to our Privacy Policy in future will be posted on our website or made available during your engagement with H & M Removals (including access to the Services). The new version will apply the moment it is published on our website or incorporated by reference in any of our Terms of Services or other communications or published on our Services.
  - ii) It is important that the Personal Information we hold about you or where you use the H & M Removals Services to perform certain services for your benefit, the Personal Information we collect about you are accurate and current. Please keep us informed if your Personal Information changes during your relationship with us.
- c) **Integration into other sites:** This Privacy Policy applies to H & M Removals sites and Services only. We do not exercise control over third party sites who provide H & M Removals Services as part of their own offering (including Bureaus and/or Business Partners). These other third party sites may place their own cookies or other files on your computer, collect data or solicit Personal Information from you. We cannot be held responsible for any wrongful handling of end users' information by our customers.
- d) **Third-party links:** Our sites or certain of our Services may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. If you disclose your personal information to a third-party, such as an entity which operates a website linked to this H & M Removals Platform, **H & M REMOVALS SHALL NOT BE LIABLE FOR ANY LOSS OR DAMAGE, HOWSOEVER ARISING, SUFFERED BY YOU AS A RESULT OF THE DISCLOSURE OF SUCH INFORMATION TO THE THIRD-PARTY.** This is because we do not regulate or control how that third-party uses your personal information. You should always ensure that you read the privacy policy of any third-party. When you leave our website, we encourage you to read the privacy policy of every website you visit.

### 2) What Information do we collect?

- a) **Personal Information means the information as per the Definitions. It does not include data where the identity has been removed (anonymous data / de-identified information).**
- b) We may Process different kinds of Personal Information which we have grouped together.
  - iii) **Identity Data** includes first name, last name, username or similar identifier, title, date of birth and gender.
  - iv) **Contact Data** includes billing address, delivery address, email address and telephone numbers.
  - v) **Financial Data** includes payment card details.
  - vi) **Transaction Data** includes details about payments to and from us and other details of goods and/or services you have acquired from us.
  - vii) **Technical Data** includes 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 this website.
  - viii) **Profile Data** includes your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses.

## Privacy Policy

- ix) **Usage Data** includes information about how Persons use our website, products and/or Services. This information shall include the full Uniform Resource Locators (URL) clickstream to, through and from our website (including the date and time) and the services you viewed or searched for, page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), use of a certain function on any Service and methods used to browse away from the page and any phone number used to call our customer service number, service transaction instructions from and to you via our APIs.
- x) **Marketing and Communications Data** marketing preferences in receiving marketing from H & M Removals and third parties and your communication preferences (communications related to the Services).
- xi) **Aggregate data and pattern data ("Pattern Data")**: statistical, demographical or transactional information derived from Personal Information but is not considered Personal Information in law as this data will **not** directly or indirectly reveal the identity of the data subject. For example, we may aggregate the Usage Data of a data subject to calculate the percentage of users accessing a specific website or specific Service feature or executing a specific transaction type. However, if we combine or connect Pattern Data with your Personal Information so that it can directly or indirectly identify you, we will treat the combined data as Personal Information which will be used in accordance with this Privacy Policy.
- b) You may choose to provide additional Personal Information to us, in which event you agree to provide accurate and current information, and not to impersonate or misrepresent any person or entity or falsely state or otherwise misrepresent your affiliation with anyone or anything.
- c) **Special Personal Information and Children information**: We do not collect any Special Personal Information or Children Information from Data Subjects.
- d) **Submission of Personal Information on behalf of another**: If you provide information on behalf of someone else, then it is your responsibility to obtain the necessary consent from the person before making the Personal Information available to us. On receipt of the Personal Information, we assume that the necessary consent has been obtained and will process the Personal Information as per your instructions and in accordance with this Privacy Policy. By submitting such Personal Information on behalf of another person, you indemnify us against any third-party claim, where such third-party claim relates to Personal Information that has been processed without the necessary consent or other available exception allowed by law.
- e) **If you fail to provide Personal Information**: Where we need to collect Personal Information by law, or under the terms of a contract we have with you, and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with services (including services for no charge)). In this case, we may have to cancel a service you have with us, but we will notify you if this is the case at the time.

### 3) How is Personal Information collected?

We use different methods to collect Personal Information:

- a) **Direct interactions**. We may collect Personal Information directly from a Data Subject. This may be via the following means:-
  - i) request a quotation for any of our Services on our Sites;
  - ii) interacting with a representative on our Sites;
  - iii) Subscribe to our newsletters (where applicable);
  - iv) request marketing material to be sent to you;
  - v) enter a competition, promotion or survey;
  - vi) when engaging with our support services; or
  - vii) give us feedback or contact us on our website; or
  - viii) by communicating with us via email and other similar e-communication channels.
- b) **Automated technologies or interactions**. As you (including your Authorised Users of our Services) interact with our Services or website, we will automatically collect Technical Data about your equipment, browsing actions, patterns and device. We collect this Personal Information by using cookies (see section 4) below), server logs and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies.
- c) **Third parties or publicly available sources**. We will receive Personal Information about you from various third parties and public sources as set out below:
  - i) Technical Data from the following parties:
    - (1) analytics providers such as Google ("How Google uses information from sites or apps that use our services", (located at <https://policies.google.com/technologies/partner-sites>))
    - (2) advertising networks; and
    - (3) search information providers.
  - ii) Contact, Financial and Transaction Data from providers of technical, payment and delivery services;
  - iii) Technical and Transactional Data from third party service providers that provide a service or product to you, subject to your consent to us to collect the information.
  - iv) Identity and Contact Data from data brokers or aggregators where same have been obtain in accordance with the Data Protection Legislation.

## Privacy Policy

- v) Identity and Contact Data from publicly available sources such as CIPC or such places where the Data Subject has deliberately made available his/her/its Personal Information.

### 4) Cookies

- a) See our Cookies Policy.

### 5) How we use your Personal Information

- a) H & M Removals will not sell Personal Information.
- b) All Personal Information that H & M Removals may receive from the Data Subject shall be dealt with as confidential information;
- c) H & M Removals will only use Personal Information within the framework of the law. Most commonly, H & M Removals will use Personal Information in the following circumstances:
  - i) Where the Data Subject or a Competent Person (on behalf of a Child) has given his/her/its consent; or
  - ii) Where H & M Removals needs to perform under a contract that H & M Removals is about to enter into or has entered into with a Data Subject; or
  - iii) Where it is necessary for H & M Removals legitimate interests (or those of a third party) and the Data Subject's interests and fundamental rights do not override those interests;
  - iv) Where Processing protects a legitimate interest of the Data Subject; or
  - v) Where H & M Removals needs to comply with a legal obligation.
- d) Purposes for which H & M Removals will use Personal Information:-
  - i) In the table below we provide a description of all the ways H & M Removals plan to Process Personal Information, and which of the legal basis H & M Removals relies on to do so. We have also stated what H & M Removals legitimate interests are where appropriate.
  - ii) Note that H & M Removals may process Personal Information for more than one lawful ground depending on the specific purpose for which H & M Removals are using the data. Please contact H & M Removals if you need details about the specific legal ground, H & M Removals is relying on to process Personal Information where more than one ground has been set out in the table below.

## Privacy Policy

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To receive a your request for a quotation	(a) Identity, (b) Contact,	Performance of a contract with you (can only acquire products and services if you request a quotation)
To register you as a customer	(a) Identity, (b) Contact, (c) Financial, (d) Marketing and Communications	(a) Consent (b) Performance of a contract with you
To process and deliver your order including: (a) Manage payments, fees and charges (b) Collect and recover money owed to us	(a) Identity, (b) Contact, (c) Financial (d) Transaction, (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to recover debts due to us) <b>[TAKE NOTE: we do not store Financial Information - card details. We use third party service provider(s) to execute transactions where you use your card. You should read their privacy policy]</b>
To manage our relationship with you which will include: (a) Notifying you about changes to our Terms of Services or this Privacy Policy where required (b) Asking you to leave a review or take a survey	(a) Identity, (b) Contact, (c) Profile (d) Marketing and Communications	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our services)
To enable you to partake in a prize draw, competition, referral, promotion or complete a survey	(a) Identity, (b) Contact, (c) Profile, (d) Usage, (e) Marketing and Communications	(a) Performance of a contract with you, (b) You consent by submitting your information to us, specifically for competitions and promotions (c) Necessary for our legitimate interests (to study how customers use our services, to develop them and grow our business)
To administer and protect our business, website and other electronic platforms (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity, (b) Contact, (c) Technical	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation
To deliver relevant website and Service content and information about similar services and/or products to you and measure or understand the effectiveness of the advertising we serve to you	(a) Identity, (b) Contact, (c) Profile (d) Usage, (e) Marketing and Communications, (f) Technical	Necessary for our legitimate interests (to study how customers use our services, to develop them, to grow our business and to inform our marketing strategy)
To use data analytics to improve our website, Services, marketing, customer relationships and experiences	(a) Technical, (b) Usage	Necessary for our legitimate interests (to define types of customers for our services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)
To make suggestions and recommendations to you about Services that may be of interest to you	(a) Identity, (b) Contact, (c) Technical, (d) Usage, (e) Profile, (f) Marketing and Communications	Necessary for our legitimate interests (to develop our services and grow our business)

d) **Marketing:** We strive to provide you with choices regarding certain Personal Information uses, particularly around marketing and advertising.

i) **Promotional offers from us**

- (1) Once you have acquired any of our services and/or products you will be seen as a customer of H & M Removals.
- (2) As a customer we may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products and offers may be relevant for you (we call this marketing).
- (3) As a customer you will receive marketing communications from us if you have not opted out of receiving that marketing.
- (4) As a potential customer you may also receive certain information about H & M Removals and its services/products, however you will always have the option to unsubscribe to said communications (see par. iii) below).

ii) **Third-party marketing**

- (1) We will get your express opt-in consent before we share your Personal Information with any third party for marketing purposes.
- (2) **TAKE NOTE:** We may provide (without your consent) third party marketing parties/advertisers with anonymous aggregate information (Aggregate Data (see above)) about our users (for example, we may inform them that 500 men aged under 30 have clicked on a specific product or advertisement on any given day). We may also use such aggregate information to help advertisers reach the kind of audience they want to target (for example, women in a specific region). We may make use of the Personal Information we have collected from you to enable us to comply with our advertisers' wishes by displaying their advertisement to that target audience. **IMPORTANT: We do not disclose information about identifiable individuals to our advertisers.**

## Privacy Policy

### iii) Opting out

- (1) You can ask us or third parties to stop sending you marketing messages at any time by logging into the website or unsubscribe on the email communication or by contacting us at any time and requesting to opt-out of our marketing services.
- (2) Where you opt out of receiving these marketing messages, this will not apply to Personal Information provided to us as a result of a service purchase, warranty registration, service experience or other transactions.

- iv) **Cookies:** You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly.

### e) Change of purpose

- i) We will only use your Personal Information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.
- ii) If we need to use your Personal Information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.
- iii) Please note that we may process your Personal Information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## 6) Disclosures of Personal Information

- a) We may share Personal Information with the parties set out below for the purposes set out in the table above.
  - i) **Internal Third Parties** as set out in the *Definitions* below. Where we share Personal Information to our group (collaborating companies), we ensure your Personal Information is protected by requiring all our collaborating companies to follow this policy when processing your Personal Information.
  - ii) **External third parties** as set out in the *Definitions* below.
  - iii) Third parties to whom we may choose to sell, transfer or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your Personal Information in the same way as set out in this Privacy Policy.
- b) We require all third parties to respect the security of your Personal Information and to treat it in accordance with the law. We do not allow our third-party service providers to use your Personal Information for their own purposes and only permit them to process your Personal Information for specified purposes and in accordance with our instructions.

## 7) International transfers

- a) Currently, H & M Removals does not share Personal Information outside of your country. If at any time, H & M Removals services require the transfer of data outside of your country, the below section will be applicable.
- b) Whenever we transfer your Personal Information out of your country, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:
  - i) We will only transfer your Personal Information to countries that have appropriate data protection and privacy legislation to protect your Personal Information.
  - ii) Where we use certain service providers, we conclude an agreement with them to confirm that your Personal Information is confidential, they can only process on our instructions and that they should establish and maintain appropriate technological and organisational measurements to protect your Personal Information.
  - iii) Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide protection to personal information similar to the principles under the GDPR, which we believe are good principles to ensure compliance.
- c) By submitting your Personal Information to us you consent to the transfer of Personal Information outside the borders of your country (when required).

## 8) Data retention

### How long will H & M Removals retain Personal Information?

- a) H & M Removals will only retain Personal Information for as long as reasonably necessary to fulfil the purposes H & M Removals collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. H & M Removals may retain Personal Information for a longer period in the event of a complaint or if H & M Removals reasonably believes there is a prospect of litigation in respect to its relationship with you.
- b) To determine the appropriate retention period for Personal Information, H & M Removals consider the amount, nature and sensitivity of the Personal Information, the potential risk of harm from unauthorised use or disclosure of your Personal Information, the purposes for which H & M Removals process your Personal Information and whether H & M Removals can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.
- c) In some circumstances you can ask H & M Removals to delete your data: see *your legal rights* below for further information.



## Privacy Policy

- d) In some circumstances H & M Removals will anonymise/de-identify the Personal Information (so that it can no longer be associated with the Data Subject) for research or statistical purposes, in which case H & M Removals may use this information indefinitely without further notice to you.

### 9) Records

H & M Removals will keep detailed, accurate and up-to-date written records regarding any Processing of Personal Information it carries out, including but not limited to, the access, control and security of the Personal Information and approved subcontractors, the processing purposes, categories of processing, any transfers of Personal Information to a third country and related safeguards, the instructions as received from you and a general description of the technical and organisational security measures and retention and destruction of Personal Information.

### 10) Social Media

- a) Our sites or Services may, in certain circumstances, provide you with social plug-ins from various social media networks. If you choose to interact with a social network such as Facebook or LinkedIn (for example by registering an account or click on the link from our website), your activity on our sites will also be made available to that social network. This is necessary for the performance of your contract with Us which allows you to interact with a social network. If you are logged in on one of these social networks during your visit to one of our websites or are interacting with one of the social plug-ins, the social network might add this information to your respective profile on this network based on your privacy settings. If you would like to prevent this type of information transfer, please log out of your social network account before you enter one of our sites, or change the necessary privacy settings, where possible.
- b) Communication, engagement and actions taken through external social media networks that we participate in are custom to the terms and conditions as well as the privacy policies held with each social media platform respectively.
- c) You are advised to use social media networks wisely and communicate/engage with them with due care and caution in regard to their own privacy policies (if any). **PLEASE NOTE: WE WILL NEVER ASK FOR PERSONAL OR SENSITIVE INFORMATION THROUGH SOCIAL MEDIA NETWORKS AND ENCOURAGE USERS, WISHING TO DISCUSS SENSITIVE DETAILS OR TO RESOLVE ISSUES/CONCERNS, TO CONTACT US THROUGH PRIMARY COMMUNICATION CHANNELS SUCH AS BY TELEPHONE OR EMAIL.**
- d) Our social media network page(s) may share web links to relevant web pages. By default, some social media platforms shorten lengthy URL's. You are advised to exercise caution and due care before clicking on any shortened URL's published on social media platforms by this website. Despite our best efforts to ensure that only genuine URL's are published many social media platforms are prone to spam and hacking and therefore our website and its owners cannot be held liable for any damages or implications caused by visiting any shortened links.

### 11) Data Subject's legal rights

- a) Under certain circumstances, you have the following rights under Data Protection Legislation in relation to your Personal Information:
- i) **Request access** to Personal Information (commonly known as a "data subject access request"). There may be a fee associated with this request – see below. This enables the Data Subject to receive a copy of the Personal Information the Responsible Party holds about the Data Subject and to check that the Responsible Party is lawfully processing it. See the H & M Removals Promotion of Access to Information Manual ("**PAI Manual**").
  - ii) **Request correction** of the Personal Information that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
  - iii) **Request erasure** of Personal Information. This enables you to ask us to delete or remove Personal Information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your Personal Information where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your Personal Information to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request. Take Note: Erasure of your Personal Information shall further not limit our rights in terms of Aggregate Data and Pattern Data.
  - iv) **Object to processing** of Personal Information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your Personal Information for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
  - v) **Request restriction of processing** of Personal Information. This enables you to ask us to suspend the processing of Personal Information in the following scenarios:
    - (1) If you want us to establish the data's accuracy.
    - (2) Where our use of the data is unlawful but you do not want us to erase it.
    - (3) Where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims.
    - (4) You have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

## Privacy Policy

- vi) **Request the transfer** of your personal information to you or to a third party. We will provide to you, or a third party you have chosen, your Personal Information in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you. Contact us if you need to transfer personal information.
- vii) **Withdraw consent at any time** where we are relying on consent to process your Personal Information. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain services to you. We will advise you if this is the case at the time you withdraw your consent.
- b) **If you wish to exercise any of the rights set out above and where we act as Responsible Party, then please contact us at the details mentioned par. 1 1)a) above.**
- c) **Fee required:** Apart from any prescribed fees under any applicable data protection legislation, you will not have to pay a fee to access your Personal Information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances.
- d) **What we may need from the Data Subject:** We may need to request specific information from you to help us confirm your identity and ensure your right to access your Personal Information (or to exercise any of your other rights). This is a security measure to ensure that Personal Information is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.
- e) **Time limit to respond:** We try to respond to all legitimate requests within 30 (thirty) days. Occasionally it could take us longer than 30 (thirty) days if your request is particularly complex or the Data Subject has made a number of requests. In this case, we will notify you and keep you updated.

## 12) Personal Information breach

- a) H & M Removals will without undue delay notify you if any Personal Information is lost or destroyed or becomes damaged, corrupted, or unusable.
- b) H & M Removals will without undue delay and where reasonably possible, after it has come to knowledge of H & M Removals, notify you of:
  - i) any accidental, unauthorised or unlawful processing of the Personal Information; or
  - ii) any Personal Information Breach.
- c) Where H & M Removals becomes aware of (a) and/or (b) above, it shall, without undue delay, also provide you with the following information:
  - i) description of the nature of (a) and/or (b), including the categories of Personal Information records concerned;
  - ii) the likely consequences; and
  - iii) description of the measures taken or proposed to be taken to address (a) and/or (b), including measures to mitigate its possible adverse effects.
- d) Immediately following any unauthorised or unlawful Personal Information processing or Personal Information breach, the parties will co-ordinate with each other to investigate the matter. H & M Removals will reasonably co-operate with the Customer in the Customer's handling of the matter, including:
  - i) assisting with any investigation;
  - ii) providing the Customer with physical access to any facilities and operations affected;
  - iii) facilitating interviews with H & M Removals employees, former employees and others involved in the matter;
  - iv) making available all relevant records, logs, files, data reporting and other materials required to comply with all Data Protection Legislation or as otherwise reasonably required by the Customer (subject to confidentiality); and
  - v) taking reasonable and prompt steps to mitigate the effects and to minimise any damage resulting from the Personal Information Breach or unlawful Personal Information processing.
- e) H & M Removals will not inform any third party of any Personal Information breach without first obtaining the Data Subject's/ your prior written consent, except when required to do so by law.
- f) H & M Removals will cover all reasonable direct expenses associated with the performance of the obligations under clause b), clause c) and clause d) unless the matter arose from the Data Subject's specific instructions, negligence, willful default or breach of this Agreement or any third party actions outside the reasonable control of H & M Removals, in which case the Data Subject concerned will cover reasonable expenses.

## Privacy Policy

### 13) Definitions

- a. **Child** means a natural person under the age of 18 (eighteen) years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him or herself.
- b. **Consent:** means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information.
- c. **Data Protection Laws** means any and all applicable laws relating to the protection of data or of Personal Information and shall include the Protection of Personal Information as per the POPI Act.
- d. **Data Subject** means the person to whom Personal Information relates and, in this document, refers to you, as the party providing Personal Information that will be processed by H & M Removals or a relevant third party.
- e. **Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your Personal Information for our legitimate interests. We do not use your Personal Information for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.
- f. **Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.
- g. **Personal Information** means information as defined in the protection of Personal information Act of 2013 ([POPI Act](#) (click on link to view));
- h. **Process** means processing as defined under the POPI Act;
- i. **Responsible Party:** means a party as defined in the [POPI Act](#) (click on link to view);
- j. **Special Personal Information** means as defined in the [POPI Act](#) (click on link to view).
- k. **THIRD PARTIES**
  - i) **Internal Third Parties:** Other companies in the H & M Removals group (if applicable), acting as joint responsible parties or Operators and who may also provide IT and system administration services and undertake leadership reporting.
  - ii) **External Third Parties**
    - (1) Service providers acting as operators who provide IT and system administration services or such service providers that assist us in detecting, preventing, or otherwise address fraud, security, or technical issues.
    - (2) Professional advisers acting as operators or joint Responsible Parties, including lawyers, bankers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services, debt collectors (where payments are due and payable).
    - (3) The Revenue Services, regulators and other authorities acting as operators or joint Responsible Parties who require reporting of processing activities in certain circumstances.
    - (4) Court of law or any other authority where we have an obligation under law to share your Personal Information;
    - (5) In the event that we sell or buy any business or assets, in which case we may disclose your Personal Information to the prospective seller or buyer of such business or assets.

**END OF POLICY**