

Privacy Policy

Company Introduction

1. Makhamsa Foods (Pty) Ltd (Makhamsa Foods/We/Our/Us) is a private company with registration number 2016/040655/07, registered in South Africa, with its offices at 14 Ingwe Road, Sebenza, Edenvale.

Acceptance of privacy notice

2. By submitting your personal information to us, you accept this Privacy Notice and updates thereto and expressly consent to the use and disclosure of your Personal Information in the way described herein. If you object to any of the potential uses of your personal information by us, please do not give us your personal information.
3. We will review our privacy policies regularly and occasionally when the need arises. The current and effective version of this Privacy Notice will be posted under the Privacy Notice tab on our website and it will be effective from the date of posting.
4. You agree that it will be your responsibility to check the Privacy Notice from time to time.

Personal information

5. Personal information means information relating to a natural person and a juristic person. Any information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person. Any information relating to the education or the medical, financial, criminal or employment history of the person. Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person. The biometric information of the person. The personal opinions, views or preferences of the person. The correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence. The views or opinions of another individual about the person; and the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;

The preamble

6. Section 14 of the Constitution of the Republic of South Africa, 1996, provides that everyone has a right to privacy, the right to privacy includes a right to protection against the unlawful collection, retention, dissemination and use of personal information.
7. We will respect and protect your personal information.

What are your rights?

8. You have the following rights:
 - 8.1. You have a right to have your personal information processed with your consent;

- 8.2. You have a right to be notified that your personal information is being collected by us and for what purpose;
- 8.3. You have a right to be notified that your personal information is being accessed;
- 8.4. You have a right to be notified by us that your personal information is being acquired by an unauthorised person;
- 8.5. You have a right to establish whether we hold your personal information and if so, you have a right to request access to your personal information held by us.
- 8.6. You have a right to request, where necessary, the correction, destruction or deletion of your personal information held by us;
- 8.7. You have a right to object, on reasonable grounds relating to the processing of your personal information by us;
- 8.8. You have a right to object to the processing of your personal information at any time for purposes of direct marketing;
- 8.9. You have a right not to have your personal information processed for purposes of direct marketing by means of unsolicited electronic communications;
- 8.10. To have a right not to be subjected to a decision relating to the automated processing of your personal information intended to compile your profile without your consent;
- 8.11. You have a right to submit a complaint to the Regulator regarding the alleged interference with the protection of your personal information by us;
- 8.12. You have a right to institute civil proceedings against us for the alleged interference with the protection of your personal information;
- 8.13. You have a right to request us to correct or delete your personal information under our control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully and
- 8.14. You have a right that we will not process your personal information for the purpose of direct marketing by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMSs or e-mail unless you have given us your consent to the processing.

How will we process your personal information?

9. We ensure that we will process your personal information in a manner that respects your right to privacy.
10. We will process your personal information with your consent.

What purpose do we collect your personal information?

11. The purpose for personal information collection is for internal promotional marketing purposes - whereby they will be included in our mailing list, data collection for leads (dependent on which query type they input on the website).

Collection of personal information

12. We will collect your personal information directly from you.
13. We will not collect any personal information directly from you that is made public by you.

Personal information collected

14. We will collect any information relating to your race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, birth, education or the medical, financial, criminal or employment history, identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, the biometric information, the personal opinions, views or preferences of the person, the correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence, the views or opinions of another individual about the person; and the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;

How long do we keep your personal information?

15. We will retain your personal information not longer than five years.
16. We will destroy or delete your personal information on the expiry of the five-year period in a manner that will prevent the reconstruction of your information.

How do we keep your personal information secure?

17. We will secure the integrity and confidentiality of your personal information in our possession or under our control by taking measures to prevent—
 - 17.1. loss of, damage to or unauthorised destruction of your personal information; and
 - 17.2. unlawful access to or processing of your personal information.
18. To give effect to secure the integrity and confidentiality of your personal information, we will have up to date internal and external measures to protect the integrity and confidentiality of your information.

Who will be the person responsible for your personal information from us?

19. Makhamsa Foods internal IT personnel will be responsible to process your personal information;
20. We will ensure that the ICT personnel and Marketing personnel will follow our internal and external measures to protect the integrity and confidentiality of your personal information and
21. The ICT departmental personnel will notify us immediately when your personal information has been accessed or acquired by an unauthorised person.
22. If it comes to our attention that your personal information is accessed or acquired by any unauthorised person, we will notify you in writing immediately by email or mail sent to your last known address. We will also notify the Regulator immediately when your personal information is accessed or acquired by an unauthorised person.

Access to your personal information

23. You have a right to have access to your personal information after you have provided us with adequate proof of your identity;
24. You have a right to request us to confirm, free of charge, whether or not we hold your personal information; and request from us the record or a description of your personal information held by us, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to your information in writing, at a prescribed fee if any and within a reasonable time.
25. If, in response to your request, personal information is communicated to you by us, we will advise you of your right to request the correction of your information.
26. If you are required by us to pay a fee in order to respond to your request, we will give you a written estimate of the fee before we assist you with your request; and we may require you to pay a deposit for all or part of the fee.

We will not process your special personal information

27. We will not process your personal information concerning your religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information or your criminal behaviour if any without your consent.

Transfers of personal information outside Republic

28. We will not transfer your personal information to a third party who is in a foreign country unless you consent to the transfer;

Who will we share your personal information with?

29. You agree that we will share your personal information with the following people:
 - 29.1. to our employees and/or third party service providers, such as sellers, Delivery Agents and payment processors (including their employees and/or third party service providers), to process use of the Services by You properly and efficiently and in order for them to interact directly with you via email or any other method for purposes of sending you marketing material regarding any current or new goods or services, new features, special offers or promotional items offered by them (unless you have opted out from receiving such marketing material);
 - 29.2. to law enforcement, government officials, fraud detection agencies or other third parties when we believe in good faith that the disclosure of your personal information is necessary to prevent physical harm or financial loss, to report or support the investigation into suspected illegal activity;
 - 29.3. to our service providers (under contract with us) who help with parts of our business operations (fraud prevention, marketing, technology services etc.). Our contracts dictate that these service providers may only use your Personal Information in connection with the services they perform for us and not for their own benefit;
 - 29.4. to sellers in order for them to liaise directly with you regarding any sale, complaint and/ or faulty Products you have purchased which requires their involvement;
 - 29.5. to third party service providers for services such as payment processing, website hosting, data analysis, infrastructure provision, IT services, customer service, e-mail delivery services, and other similar services, to enable them to provide services;

- 29.6. to third parties' sponsors of promotions (irrespective of whether such promotions are hosted by us), or otherwise in accordance with the rules applicable to such promotions. You should carefully review the rules, if any, of each promotion in which you choose to participate, as they may contain additional important information about our, a sponsor's and/or other third parties' use of your personal information;
- 29.7. to a third-party business partners like manufacturers and sellers (in which case we will have agreements in place to secure the confidentiality of your Personal Information);
- 29.8. to an affiliate or other third party in the event of any reorganization, merger, sale, joint venture, assignment, transfer or other disposition of all or any portion of our business, assets or stock (including without limitation in connection with any insolvency and/or similar proceedings);
- 29.9. to the general public when you provide a rating or review of service received, you consent to us using that rating review as we deem fit in newsletters or other marketing material. The name that will appear next to that review will be your first name, as you would have provided upon registration. We will not display your surname, nor any of your contact details, with a rating or a review;
- 29.10. To any person other than as described herein if we notify you and you consent to the sharing;
- 29.11. If you provide information to us with a view to it being read, copied, downloaded or used by other people, we accept no responsibility for what that third party may do with it. It is up to you to satisfy yourself about the privacy level of every person who might see your information. If it is available to all the world, you have no control whatever as to how it is used;
- 29.12. to assist in combating fraud, we share information with credit reference agencies, so far as it relates to clients or customers who instruct their credit card issuer to cancel payment to us without having first provided an acceptable reason to us and given us the opportunity to refund their money and for re-marketing. This involves Facebook or some other supplier placing a tag or marker in order to be able to serve to you an advert for our Services when you visit some other website.

Complaints by you

30. In the event that you have a complained against us, you may submit your complaint to the Regulator in the prescribed manner and form alleging interference with the protection of your personal information.
31. The details of the Regulator are as follows:
The Information Regulator (South Africa)
33 Hoofd Street, Forum III
3rd Floor, P O B.O Box
Braamfontein
Johannesburg
2017

Mr Marks Thibela, Chief Executive Officer
Tel: 010 023 5207
Cell No. +27(0)82 746 4173
infoereg@justice.gov.za.

Disclaimer and indemnity

32. Whilst we will do all things reasonably necessary to protect your rights of privacy, we cannot guarantee or accept any liability whatsoever for any unauthorised or unlawful disclosures of your personal information, whilst in our possession, made by third parties who are not subject to our control, unless such disclosure is as a result of our gross negligence or non-compliance with applicable laws.
33. If you disclose your personal information to a third party, such as an entity which operates not linked to us, WE 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 Notice of any third party.

Contacting us

34. Contact us on Customer Complaints:
E-mail: customer@makhamisa.co.za
Tel: 011 568 4887
Postal address: 14 Ingwe Road, Sebenza, Edenvale, 1609.