



Document Name: POPIA, Privacy and Data Protection Policy			Date: 30 June 2021
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Overberg Asset Management FSP 783

POPIA, Privacy and Data Protection Policy

1. Introduction

The FAIS Act provides for the protection of personal information of clients; and The Protection of Personal Information Act, 2013 (POPIA) provides for 8 data protection information principles to apply with to ensure the protection of all data that relates to companies, employees and clients. The Promotion of Access to Information Act, 2 of 2000 (PAIA) provides for access to such information and in which instances it may be refused.

2. Purpose

Data privacy and data protection is important to Overberg Asset Management (Pty) Ltd (hereafter referred to as Overberg/ the company), and this Policy sets out the POPIA principles in line with existing FAIS requirements to ensure the safekeeping of all data by Overberg and Employees/ Parties. This Policy applies to all data obtained via products, services, websites and events operated by Overberg or by any other means.

3. Definitions

Information: means any Data relating to the Data Subject and include reference to personal information.

Data Subject: means the person to whom the personal information relates and can include clients, staff and/or company information.

Processing: Any use by any means of a Data Subject's information.

4. The 8 POPIA Principles

- **Principle 1: Accountability:** Overberg must appoint an Information Officer (IO) who will be responsible for ensuring that the 8 POPIA information principles are implemented and enforced in the company. Overberg can also consider appointing a Deputy Information Officer (DIO) to assist the IO with the implementation and enforcements.
- **Principle 2: Processing Limitation:** Only necessary information should be collected, directly from the person to whom the Personal Information relates and with their consent and the processing should be for a lawful purpose.
- **Principle 3: Purpose specification:** Personal Information should be collected for a specific purpose and the Data Subject must be made aware of the purpose for which it was collected.

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- **Principle 4: Further processing limitation:** Further processing of Personal Information must be compatible with the purpose for which the information was collected (Principle 3).
- **Principle 5: Information quality:** Reasonable steps must be taken to ensure that all information collected is accurate, complete, not misleading and up to date in accordance with the purpose for which it was collected (Principle 3).
- **Principle 6: Openness:** The Party collecting the information must be transparent and inform the applicable regulator if it is going to process the information and ensure that the Data Subject has been made aware that his/her information is going to be collected.
- **Principle 7: Security Safeguards:** The integrity of the information under the control of a party, must be secured through technical and operational measures.
- **Principle 8: Data Subject Participation:** Data Subjects have the right (free of charge) to request confirmation from the party that holds their information on the details they hold and may request for it to be amended/deleted.

5. Practical Implications of the POPIA Data Protection Principles

5.1 Appointment of the Information Officer

Overberg has appointed an IO, namely Carel la Cock, who is a director of Overberg. He will be responsible for ensuring that Overberg employees has been properly informed and trained on ensuring the safekeeping and protection of information in Overberg and that the required processes are implemented to ensure compliance with the POPIA act. The IO can be contacted at: +27(0)28 312 1783 / +27(0)76 703 0253 or emailed at: carel@overberg.biz

5.2 Appointment of the Deputy Information Officer

Overberg has also appointed a DIO, namely Lionie Rupert, who is a manager within Overberg. She will be responsible for assisting the IO with staff training and the safekeeping and protection of information in Overberg and that the required processes are implemented to ensure compliance with the POPIA act. The DIO can be contacted at: +27(0)21 852 6040 / +27(0)84 580 7618 or emailed at: lionie@overberg.biz

5.3 Information purpose

The type of information Overberg collects will depend on the purpose for which the Data is collected and used. Overberg will collect the necessary information from Data Subjects for various purposes,

including the following:



- i. rendering suitable services for e.g., financial services (including the rendering of advice and intermediary services) and administrative services to Data Subjects;
- ii. improving services and product offerings to Data Subjects;
- iii. providing information and resources most relevant and helpful to Data Subjects;
- iv. appointing suitable individuals/ companies to provide financial services/ products to Data Subjects;
- v. ensuring compliance with legislation that requires specific information to be collected.

5.4 Access to Information:

- Data Subjects have the right to request a copy of the information that Overberg hold on them or their business. Should a Data Subject wish to obtain any such information, the Data Subject may request it by contacting the IO on the details provided above.
- Overberg will not disclose or share information relating to any Data Subject, unless: it is specifically agreed with the Data Subject; it is already publicly available or in the interests of the public; required in terms of Law or if Overberg believes in good faith that the Law requires disclosure thereof.
- Overberg's PAIA policy (in terms of the Promotion of Access to Information Act, 2 of 2000) sets out the process for access by third parties to a Data Subject's information kept by Overberg, and the instances in which it may be refused.

5.5 Collection of Information

- General: Overberg collects information in various ways e.g., directly from individuals (for example, when purchasing a financial product, registering an account, using a product, or signing up for a newsletter), from employers, publicly available information, through cookies, and/or similar technology. Where possible, Overberg must inform Data Subjects which information they are legally required to provide, and which information is optional. With the Data Subject's consent, Overberg may supplement the information with other information received from other companies and/or organizations such as the South African Revenue Services (SARS) to enable Overberg to render suitable and proper services to Data Subjects.
- User Supplied Information: The Data Subject may be required to provide some personal information, for example, his/her name, address, phone number, email address, payment card information (if applicable), and/or certain additional categories of information as a result of using/ receiving financial services, purchasing financial products, and using websites and related services. Overberg will keep this information in a contact database for future reference, as needed.
- Marketing: Overberg may use certain information provided by Data Subjects to offer them further services that Overberg believes may be of interest to them or for market research purposes. These services are subject to prior consent being obtained from Data Subjects. If a Data Subject no longer



wishes to receive further services or offers from the company, IT may unsubscribe from the services or contact the Information Officer at the contact details provided above.

- **Usage and Web Server Logs:** Overberg's website is www.overberg.biz. It may track information about a Data Subject's usage and visits on the website. This information may be stored in usage or web server logs, which are records of the activities on Overberg's services, products and/or sites. Overberg's servers automatically capture and save such information electronically. Some examples of the information that may be collected include the Data Subject's:
 - Unique Internet protocol address;
 - Name of the Data Subject's the unique Internet Service Provider
 - The city, state, and country from which a Data Subject accesses the company website
 - The kind of browser or computer used;
 - The number of links clicked within the site;
 - The date and time of visits to the site;
 - The web page from which the Data Subject arrived on the company site;
 - The pages viewed on the site;
 - Certain searches/queries conducted on the site via the company's services, products and/or websites.
 - The information collected in usage or web server logs helps Overberg to administer the services, products and sites, analyse its usage, protect the product and/or website and content from inappropriate use and improve the user's experience.
- **Cookies:** In order to offer and provide a customised and personal service through Overberg's products and websites, the company may use cookies to store and help track information about the Data Subject. A cookie is a small text file sent to the Data Subject's device that the company uses to store limited information about the Data Subject's use of the services, products or website. The company uses cookies to provide the Data Subject with certain functionality (such as to enable access to secure log-in areas and to save the Data Subject having to re-enter information into product, services or website forms) and to personalize the company's services, products or website content. Without cookies, this functionality would be unavailable.

5.6 Retaining of Information:

Overberg may retain personal information for purposes of reporting, administration, monitoring its website or to communicate with Data Subjects. Information may be retained only to serve the purpose of collecting the information and be deleted/destroyed once the purposes has been fulfilled, subject to subject to other regulatory requirements where information is to be kept for a specific prescribed period. Information and records of a personal nature of Clients and/or Employees will be stored for a period of 5 years before being destroyed.

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5.7 Correcting/ Amending/ Updating/ Deletion of Information

Data Subjects are required to inform Overberg should there be any changes to the information kept by the company. A Data Subject may request Overberg to correct, amend, update or delete its information at any time when applying or making use of any financial products or services of the company, by contacting the IO at the contact details provided above. The FSP will take all reasonable steps to confirm the Data Subject's identity before making changes to information.

5.8 Information Security:

Overberg shall apply the following measure to ensure security of Personal information:

- i. Overberg will take all reasonable precautions to protect information from loss, misuse, unauthorized access, disclosure, alteration and destruction.
- ii. Overberg will not sell, rent, or lease mailing lists with information to third parties and will not make a Data Subject's information available to any unaffiliated parties, except for approved agents, suppliers and contractors, or as otherwise specifically provided for, as agreed with the Data Subject in writing or as required in terms of any Law.
- iii. Overberg may disclose information of a Data Subject or information about a Data Subject's usage of the company's financial services, financial products, websites or mobile applications to unaffiliated third parties as necessary to enhance services, financial product experience to meet the obligations to content and technology providers or as required by law, subject to agreements in place that provides for the protection of information of Data Subjects.
- iv. Overberg has implemented appropriate security measures to help protect information against accidental loss and from unauthorised access, use, or disclosure. Overberg stores information about Data Subjects in a restricted cloud server with appropriate monitoring and uses a variety of technical security measures to secure information, including intrusion detection and virus protection software. Overberg may also store and process information in systems located outside the company's premises or the Data Subject's home country. However, regardless of where storage and processing may occur, Overberg takes appropriate steps to ensure that information is protected as required under relevant Data Protection/Privacy laws.
- v. The Data Subject's access to some of Overberg's services and content may be password protected and non-disclosure of such usernames and passwords are required to ensure the safekeeping of the Data Subjects information. It is recommended that the Data Subject sign out and close the browser of the account or service at the end of each session.
- vi. Overberg is legally obliged to provide adequate protection of information, hold and prevent unauthorised access and use of information, the company is therefore committed to ensure that all



information of the Data Subject (Entity, Clients and/or Employees) will be kept safe and secure and not be disclosed to any unauthorized third parties, without the consent of the relevant Data Subject.

- vii. Overberg may from time-to-time transfer information within and between various worldwide locations in compliance with the country of origin’s regulations and this Policy.
- viii. Persons/ Employees/ Parties (as applicable) are not allowed to disclose any information to any unauthorized third party as it may lead to a breach, disciplinary action and possible dismissal.
- ix. Overberg takes reasonable steps to protect Personal Information, which is held in a secure cloud server. Overberg can however not guarantee the security of information transmitted to it electronically from Data Subjects and they do so at their own risk. The company maintains administrative, technical and physical safeguards to ensure protection of information against loss, misuse or unauthorized access, disclosure, alteration or destruction of the information provided to the company by the Data Subject or you’re the Data Subjects employer. Overberg seeks to ensure compliance with Data Protection/ Privacy regulations, laws and industry best practices in respect of the security of a Data Subjects Personal Information. Where the Data Subject is located in another country with other data protection/privacy laws, the company may transfer Personal Information to such other countries, but they may not always guarantee the same level of protection for Personal Information as the one in which the Data Subject resides (despite the company’s best endeavors to ensure protection of Information). By providing information to Overberg, the Data Subject consents to these transfers.

Signed and adopted by the Board:

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