

PRIVACY POLICY

This Privacy Policy is found on our website at www.benx.co.za and will apply to all transactions entered into by Benefit Exchange SA (Pty) Limited ("BENX"), notwithstanding the format thereof. Please note that this Privacy Policy must be read together with any other terms and conditions regulating your relationship with BENX and shall be incorporated as part thereof.

1. Who is BENX

1. BENX is a business service, market/price comparison, lead generation and marketing company that provides a range of services to improve an individual's financial wellness through empowerment, choice and knowledge.
2. The business of BENX is conducted via various channels, including telephonically, SMS, AVM, E-mail, Instant chat and website pages and other electronic means. This Privacy Policy applies to each of these channels insofar as it may relate thereto.
3. Our customers are any consumers who were or are a resident of South Africa.
4. Our third party product and service providers are typically insurance providers, financial service providers, motor industry providers, credit bureau, asset management providers, telecoms and cellular service providers, legal and professional service providers.

2. Introduction and application

1. This document contains the Privacy Policy of BENX which explains how BENX ("We, us, our, BENX") obtains, uses, protects and discloses Personal Information of consumers as required by the Protection of Personal Information Act 4 of 2013 (POPIA). We respect your privacy and will treat your Personal Information confidentially and in line with the relevant legislation and your rights.
2. This privacy policy has been put in place to assure consumers and customers that we take access to Personal Information seriously. BENX is committed to protecting the privacy of Personal Information and ensuring that Personal Information is collected and used properly, lawfully and transparently.
3. It also gives our details in case the consumer wants to contact us and query any issues that they may have.
4. In certain instances, BENX processes Personal Information on behalf of its customers or other third parties and this Privacy Policy will be required to be complied with by those business partners and third parties.
5. In this document any reference to "we" or "us" or "our" includes any one or more of our Affiliates.
6. "Affiliates" means and each business unit, branch and/or representative office of any business of BENX; any subsidiaries of BENX or companies connected to BENX; and any of BENX's associates, cessionaries, delegates or successors in title or appointed third parties such as its authorised agents, advisors, partners and contractors. It also includes the companies making up the BENX Group from time to time.

3. Processing of Personal Information

1. Where we refer to "process", it means how we collect, use, store, make available, destroy, update, disclose, or otherwise deal with Personal Information.
2. As a general rule we will only process Personal Information if we are required to deliver or offer a marketing service, provide a lead, assist customers or carry out a transaction.
3. We may combine your Personal Information and use the combined Personal Information for any of the purposes stated in this Privacy Policy.
4. If you use our services, products and service channels, you agree that we may process your Personal Information as explained under this Privacy Policy.
5. Sometimes you may provide us with consent to process your Personal Information. Read it carefully because it may limit your rights.
6. If BENX processes Personal Information for another party like a partner under a contract or a mandate, the other party's Privacy Policy may apply to the processing.
7. BENX can change this Privacy Policy from time to time if the law or its business practices requires it. The version of the Privacy Policy displayed on our website will apply to your interactions with us.

4. What is Personal Information

1. Personal Information refers to any information that identifies a consumer or specifically relates to a consumer.
2. Personal Information includes, but is not limited to, the following information:
 1. marital status (like married, single, divorced);
 2. national origin;
 3. age;
 4. language; birth; education;
 5. debit order and banking details
 6. identifying number (like an account number, identity number or passport number);
 7. e-mail address; physical address (like residential address, work address or your physical location);
 8. telephone number;
 9. online identifiers; social media profiles;
 10. biometric information (like fingerprints, your signature or voice);
 11. gender;
 12. physical health; mental health; well-being; disability; religion; belief; conscience; culture;
 13. medical history (like your HIV / AIDS status); criminal history; employment history;
 14. personal views, preferences and opinions;
 15. credit score and history;
 16. financial transaction history;
 17. confidential correspondence; and / or
 18. another's views or opinions about you and your name also constitute Personal Information.
3. Personal Information includes Special Personal Information, as explained below.

5. When will we process your Personal Information

1. We will only process Personal Information for lawful purposes relating to our business if the following applies:
 1. if, where required, you have consented thereto;

2. if you have not requested that we refrain from processing your Personal Information
3. if a person legally authorised by you, the law or a court, has consented thereto;
4. if it is necessary to conclude or perform under a contract we have with you;
5. if the law requires or permits it; and/or
6. if it is required to protect or pursue your, our or a third party's legitimate interest; and/or

6. What is Special Personal Information

1. Special Personal Information is Personal Information about the following:
 1. religious beliefs;
 2. philosophical beliefs (for example where you enter a competition and you are requested to express your philosophical view);
 3. race (like where you apply for a product or service where the statistical information must be recorded);
 4. ethnic origin;
 5. trade union membership;
 6. political beliefs;
 7. health (like where you apply for an insurance policy);
 8. sex life (like where you apply for an insurance policy);
 9. biometric information (like to verify your identity); and / or
 10. criminal behaviour and alleged commission of an offence (like to prevent money laundering as required by law or when you apply for employment or enter into a relationship with us).

7. When will we process your Special Personal Information

1. We may process your special Personal Information in the following circumstances:
 1. if you have consented to the processing;
 2. if the processing is needed to create, use or protect a right or obligation in law;
 3. if the processing is for statistical or research purposes and all legal conditions are met;
 4. if the special Personal Information was made public by you;
 5. if the processing is required by law;
 6. if racial information is processed, and the processing is required to identify you; and / or
 7. if health information is processed, and the processing is to determine your insurance risk, or to comply with an insurance policy or to enforce an insurance right or obligation.

8. When and Where we obtain Personal Information about you

1. We collect Personal Information about consumers from various different sources, including the following:
 1. We collect Personal Information from consumers directly.
 2. We collect information about consumers based on their use of our, services or service channels (like our websites, applications, pre-paid contracts, promotions and competitions).
 3. We collect information about consumers based on how they engage or interact with us such as on social media, emails, letters, telephone calls, surveys, competitions.
 4. We collect information about consumers from public domain sources (like CIPC) and from third parties we interact with for the purposes of conducting our business (like partners, reward partners, list providers, credit bureau, our customer loyalty rewards programmes' retail and online partners or our service providers).
 5. If the law requires us to do so, we will ask for consumer's consent before collecting Personal Information about you from third parties.
 6. The third parties from whom we may collect Personal Information include, but are not limited to, the following, members of the BENX Group, any connected companies, subsidiary companies, its associates, cessionaries, delegates, assigns, affiliates or successors in title and / or appointed third parties (like its authorised agents, partners, contractors, franchisees and suppliers) for any of the purposes identified in this Privacy Policy, spouses, dependents, partners, employer, joint applicant or account holder and other similar sources;
 7. people the consumer has authorised to share Personal Information;
 8. attorneys, tracing agents, debt collectors and other persons that assist with the enforcement of agreements;
 9. payment processing services providers, merchants, banks and other persons that assist with the processing of your payment instructions, like card scheme providers (like VISA or MasterCard);
 10. law enforcement and fraud prevention agencies and other persons tasked with the prevention and prosecution of crime;
 11. regulatory authorities, industry ombudsman, governmental departments, local and international tax authorities;
 12. credit bureaux;
 13. trustees, Executors or Curators appointed by a court of law;
 14. our service providers, agents and sub-contractors like couriers and other persons we use to offer and provide products and services to consumers;
 15. courts of law or tribunals;
 16. our joint venture partners; and / or
 17. other marketing list providers.
2. We will not collect Personal Information from these sources which are in excess of what we require for the conduct of our business in line with the purpose for which that Personal Information is collected.

9. What do we do with Personal Information

1. We use Personal Information for the following reasons, in line with our business and the purpose for which it is collected:
 1. sending marketing and other communications (SMS, E-mail, AVM, Telephonic Calls) with the latest specials, deals, alerts, notifications and promotions in various industries, such as financial services, insurance, etc.;
 2. to market products, goods and services to you;
 3. to respond to your enquiries and complaints;
 4. providing information about goods and/or services the consumer may have requested and notifying consumers about important changes or developments to these goods and/or services;
 5. to follow up as part of our customer care procedures; updating our records about consumers;
 6. internal record keeping; administering offers;
 7. to improve our products and services;

8. to comply with legislative, regulatory, risk and compliance requirements (including directives, sanctions and rules), voluntary and involuntary codes of conduct and industry agreements or to fulfil reporting requirements and information requests;
 9. crime detection prevention and prosecution; competitions and other promotions;
 10. evaluating the effectiveness of our marketing and for research, training and statistical analysis with the aim of improving our services;
 11. making our services or those of our customers easier for consumers to use and providing consumers with access to related services;
 12. to contact consumers for market research purposes;
 13. to detect, prevent and report theft, fraud, money laundering and other crimes. This may include the processing of Special Personal Information, like alleged criminal behaviour or like the supply of false, misleading or dishonest information or avoiding liability by way of deception;
 14. to enforce and collect on any agreement when you are in default or breach of the agreement terms and conditions, like tracing you or to institute legal proceedings against you;
 15. to conduct market and behavioural research, including scoring and analysis to determine if you qualify for products and services or to determine your credit or insurance risk;
 16. to develop, test and improve products and services for you;
 17. for historical, statistical and research purposes, like market segmentation;
 18. to record and/or assist Clients to process instructions payment instructions (like a debit order or EFT);
 19. to conduct affordability assessments, credit assessments and credit scoring;
 20. to develop credit models and credit tools;
 21. to manage and maintain your relationship with us;
 22. to disclose and obtain Personal Information from credit bureaux regarding your credit history and credit score;
 23. to enable us to deliver goods, documents or notices to you that you have specifically requested;
 24. for security, identity verification and to check the accuracy of your Personal Information;
 25. to communicate with you and carry out your instructions and requests;
 26. for customer satisfaction surveys, promotional and other competitions;
 27. to provide marketing for appropriate products and related services;
 28. to enable you to take part in customer loyalty reward programmes, to determine your qualification for participation, earning of reward points, determining your rewards level, monitoring your buying behaviour with our rewards partners to allocate the correct points or inform you of appropriate products, goods and services you may be interested in or to inform our reward partners about your purchasing behaviour;
 29. to enable you to take part in and make use of value added products and services;
 30. to assess lending and insurance risks; and / or
 31. for any other related purposes.
2. We may do these things either for BENX, any entity in the BENX Group or on behalf of our business partners.
 3. We may contact you by e-mail, telephone, SMS, web notifications, instant chat or social media platforms in relation to the purposes set out in this section and by providing such information you are deemed to have agreed to us contacting you by these methods of communication. We will continue to contact you by way of such methods until you advise us you no longer wish to be contacted by certain methods.
 4. We will not pass your details to anyone else (other than on the basis set out below and in accordance with appropriate disclosure requirements we may be subject to).

10. Use of Personal Information for marketing

1. We may provide consumers from time to time with information about new products, promotions, special offers and other information.
2. We will use Personal Information to market financial, insurance, investments, credit, cellular phone and other products and services to you.
3. We may also market other products, goods or services to you.
4. We will do this in person, telephone, or electronic channels such as SMS, email and instant chat.
5. If you are not our customer or a customer of a partner (a list is available on request and is published on our website under the main menu), or in any other instances where the law requires, we will only market to you by electronic communications with your consent.
6. You may opt-out of direct marketing campaigns at any time, at which point we will not send you any direct marketing related to a specific service or associated campaign. Should you decide to opt out of all or any direct marketing received from us, you can either click on the following - <https://www.nationaloptout.org/> or register on the do not contact list of the Direct Marketing Association of South Africa which can be found on www.dmasa.org.
7. In all cases you can request us to stop sending marketing communications to you at any time.
8. If we are providing you with services, you will also be subject to the specific terms and conditions relating to the product or services you are being provided with and these terms will include additional information as to how we or any of our business partners may contact you.
9. If the reason you have given us personal information is to receive marketing or other communications from us, we will continue to provide this information to you unless you ask us not to do so.

11. When will we use Personal Information to make automated decisions

1. An automated decision is made when Personal Information is analysed to make a decision without human intervention in that decision making process.
2. We may use your Personal Information to make an automated decision as allowed by the law.
3. You have a right to query any such decisions made and we will provide reasons for the decisions as far as reasonably possible.

12. Sharing Personal Information

1. In general, we will only share your Personal Information if any one or more of the following apply:

1. *If the law allows it;*
2. *if, where necessary, you have consented to this;*
3. *if it is necessary to conclude or perform under a contract we have, or a BENX service partner has, with you;*
4. *You have specifically consented to sharing your Personal Information during an interaction or transaction through our website or other communication channel;*
5. *if the law requires it; and/or*
6. *if it's necessary to protect or pursue your, our or a third party's legitimate interests.*
2. Where required, we may share your Personal Information with the following persons. These persons have an obligation to keep your Personal Information secure and confidential:
 1. *other members of the BENX Group any connected companies, subsidiary companies, its associates, cessionaries, delegates, assigns, affiliates or successors in title and / or appointed third parties (like its authorised agents, partners, contractors and suppliers) for any of the purposes identified in this Privacy Policy;*
 2. *our employees as required by their employment conditions;*
 3. *attorneys and other persons that assist with the enforcement of agreements;*
 4. *payment processing services providers, merchants, banks and other persons that assist with the processing of your payment instructions, like card scheme providers (like VISA or MasterCard);*
 5. *customers who advise us that you have consented to such sharing;*
 6. *law enforcement and fraud prevention agencies and other persons tasked with the prevention and prosecution of crime;*
 7. *regulatory authorities, industry ombuds, governmental departments, local and international tax authorities and other persons the law requires us to share your Personal Information with;*
 8. *credit bureaux;*
 9. *our service providers, agents and sub-contractors like couriers and other persons we use to offer and provide products and services to you;*
 10. *persons to whom we have ceded our rights or delegated our obligations to under agreements, like where a business is sold;*
 11. *courts of law or tribunals that require the Personal Information to adjudicate referrals, actions or applications;*
 12. *the general public where you submit content to our social media sites like our Facebook page;*
 13. *trustees, Executors or Curators appointed by a court of law;*
 14. *participating partners in our customer loyalty reward programmes, where you purchase goods, products and service or spend loyalty rewards; and / or*
 15. *our joint venture and other partners with whom we have concluded business agreements*

13. When and how we obtain and share your Personal Information from/with credit bureaux

1. We may obtain your Personal Information from credit bureaux for any one or more of the following reasons:
 1. *if you requested us to do so or agreed that we may do so;*
 2. *to verify (check and confirm) your identity;*
 3. *to obtain or verify your employment details;*
 4. *to obtain and verify your marital status;*
 5. *to obtain, verify or update your contact or address details;*
 6. *if lawfully contracted to do so on behalf of a consumer to obtain a credit report about you (which includes your credit history and credit score)*
 7. *to determine your credit risk;*
 8. *to obtain and report to you your credit score;*
 9. *for debt recovery;*
 10. *to trace your whereabouts;*
 11. *to update your contact details*
 12. *to conduct research, statistical analysis or system testing*
 13. *to determine the source(s) of your income;*
 14. *to build credit scorecards which are used to evaluate credit applications; and/or*
 15. *to determine which products and services to promote or to offer to you.*

14. Transfer of Personal Information to other countries

1. We will only transfer your Personal Information to third parties in another country in any one or more of the following circumstances
 1. *where your Personal Information will be adequately protected under the other country's laws or an agreement with the third party recipient*
 2. *where the transfer is necessary to enter into or perform under a contract with you, or a contract with a third party that is in your interest;*
 3. *where you have consented to the transfer; and / or*
 4. *where it is not reasonably practical to obtain your consent, the transfer is in your interest*
2. This transfer will happen within the requirements and safeguards of the law.
3. Where possible, the party processing your Personal Information in the other country will agree to apply the same level of protection as available by law in South Africa or if the other country's laws provide better protection the other country's laws would be agreed to and applied.

15. Your duties and rights about the Personal Information we have about you.

1. Please refer to our Promotion of Access to Information Act 2 of 2000 Manual (PAIA Manual) for further information on how you can give effect to the rights listed below.
2. The PAIA Manual is located on the following website www.BENX.co.za
3. You have the right to request access to the Personal Information we have about you by contacting us.
4. This includes requesting:
 1. *confirmation that we hold your Personal Information;*
 2. *a copy or description of the record containing your Personal Information; and*
 3. *the identity or categories of third parties who have had access to your Personal Information.*
5. We will attend to requests for access to Personal Information within a reasonable time.

6. You may be required to pay a reasonable fee to receive copies or descriptions of records, or information about third parties.
7. We will inform you of the fee before attending to your request.
8. Please note that the law may limit your right to access information.
9. You have the right to request us to correct or delete the Personal Information we have about you if it is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, obtained unlawfully or we are no longer authorised to keep it.
10. You must inform us of your request in writing. Please refer to our PAIA Manual for further information in this regard, like the process you should follow to give effect to this right.
11. It may take up to 5 business days for the change to reflect on our systems. We may request documents from you to verify the change in Personal Information.
12. A specific agreement that you have entered into with us may determine how you must change your Personal Information provided at the time when you entered into the specific agreement. Please adhere to these requirements.
13. If the law requires us to keep the Personal Information, it will not be deleted upon your request.
14. The deletion of certain Personal Information may lead to the termination of your business relationship with us.
15. You may object on reasonable grounds to the processing of your Personal Information.
16. We will not be able to give effect to your objection if the processing of your Personal Information was and is permitted by law; you have provided consent to the processing and our processing is done according to your consent or the processing is necessary to conclude or perform under a contract with you.
17. You must inform us of any objection in writing. Please refer to our PAIA Manual for further information in this regard, like the process you should follow to give effect to this right.
18. Where you have provided your consent for the processing of your Personal Information, you may withdraw your consent. If you withdraw your consent, we will explain the consequences to you.
19. We may proceed to process your Personal Information even if you have withdrawn your consent if the law permits or requires it.
20. It may take up to 30 business days for the change to reflect on our systems, during this time we may still process your Personal Information.
21. You have a right to file a complaint with us or any Regulator with jurisdiction about an alleged contravention of the protection of your Personal Information by us.
22. We will address your complaint as far as possible.

16. How we secure Personal Information

1. We are legally obliged to provide adequate protection for the Personal Information that we hold and to stop all unauthorized access and use of the Personal Information. We will on an ongoing basis, continue to review our security controls and related processes to ensure that your personal information is secure.
2. We take appropriate and reasonable technical and organisational steps to protect your Personal Information according to industry best practices.
3. Our security measures (including physical security, computer and network security, secure communications, security in contracting out activities and functions technological and procedural safeguards) will be appropriate and reasonable.
4. This includes the following:
 1. *keeping our systems secure (like monitoring access and usage);*
 2. *storing our records securely;*
 3. *controlling the access to our buildings, systems and/or records; and*
 4. *safely retaining or destroying or deleting records.*
5. When we contract with third parties, we impose appropriate security, privacy and confidentiality obligations on them to ensure that Personal Information that we remain responsible for, is kept secure.
6. You can also protect your Personal Information by always exercising caution.

17. How long do we keep Personal Information

1. We will keep your Personal Information only for as long as reasonably necessary, for as long as:
 1. *the law requires us to keep it;*
 2. *a contract between you and us requires us to keep it;*
 3. *you have consented for us keeping it;*
 4. *we are required to keep it to achieve the purposes listed in this Privacy Policy;*
 5. *we require it for statistical or research purposes;*
 6. *a code of conduct requires us to keep it; and / or*
 7. *we require it for our lawful business purposes.*
2. You agree to allow us to keep your personal information after we have finished processing it for its original purpose. You further agree that we can further process your personal information in the future for the purposes mentioned in our terms and conditions and this Privacy Policy, without needing to notify you. You can ask us to delete any information we have of you at any time subject to our legal obligations

18. Cookie Policy

1. A cookie is a small piece of data sent from our websites or applications to your computer or device hard drive or Internet browser where it is saved.
2. The cookie contains information to personalise your experience on our websites or applications and may improve your experience on the websites or applications.
3. The cookie will also identify your device, like the computer or smart phone.
4. By using our websites or applications you agree that cookies may be forwarded from the relevant website or application to your computer or device.
5. The cookie will enable us to know that you have visited the website or application before and will identify you.
6. We may also use the cookie to prevent fraud.

19. Personal Information of juristic persons and person related to juristic persons

1. If you are a juristic person (like a company or close corporation), we may collect and use Personal Information relating to the juristic person's directors, officers, employees, beneficial owners, partners, shareholders, members, authorised signatories, representatives, agents, payers, payees, customers, guarantors, spouses of guarantors, sureties, spouses of sureties, other security providers and other persons related to the juristic person. These are related persons.
2. If you provide the Personal Information of a related person to us, you warrant that the related person is aware that you are sharing their Personal Information with us and that the related person has consented thereto.
3. We will process the Personal Information of related persons as stated in this Privacy Policy, thus references to "you" or "your" in this Privacy Policy will include related persons with the necessary amendments.

20. How to Contact us

If you have any questions about this policy and notice or need further information about our privacy practices or wish to give or withdraw consent, exercise preferences or access or correct your personal information, please contact us at legal@benx.co.za.