

## PRIVACY POLICY JUNE 2021



### 1. INTRODUCTION AND OBJECTIVE

Efficient Private Clients (Pty) Ltd (EFPC) takes your privacy and the protection of your personal information seriously, and we will only use your personal information in accordance with this policy and applicable legislation. This policy sets out how your personal information will be used by EFPC and applies to personal and special personal information that you provide to us, or which we may collect from third parties. It is important that you read this policy carefully before submitting any personal information to us. By submitting any personal information to EFPC you provide consent to the processing of your personal information and/or that of your children or any child that you have legal guardianship over (if applicable) as set out in this policy. Please do not submit any personal information to EFPC if you do not agree to any of the provisions of this policy. If you do not consent to the provisions of this policy, or parts thereof, EFPC may not be able to provide services to you.

### 2. DEFINITIONS

**applicable legislation**

Means all legislation that EFPC must adhere to and includes, but is not limited to, the Protection of Personal Information Act, No. 4 of 2013 (POPIA), the Financial Intelligence Centre Act, No. 38 of 2001 (FICA), the Financial Advisory and Intermediary Services Act, No. 37 of 2002, the Companies Act, No. 71 of 2008 (Companies Act), and the Promotion of Access to Information Act, No. 2 of 2000 (PAIA).

<b>child/children</b>	Means a natural person under the age of 18 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-/herself.
<b>Efficient Group and its subsidiaries</b>	Means Efficient Group (Pty) Ltd, registration number 2006/036947/07, and its subsidiaries, as defined in the Companies Act.
<b>personal information</b>	<p>Means information relating to you that includes, but not limited to:</p> <ul style="list-style-type: none"> <li>a. information relating to 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;</li> <li>b. information relating to education or the medical, financial, criminal or employment history;</li> <li>c. any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to you;</li> <li>d. biometric information;</li> <li>e. personal opinions, views or preferences;</li> <li>f. correspondence sent by you that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;</li> <li>g. your views or opinions of another individual; and</li> </ul>

	<p>h. Your name, if it appears with other personal information relating to you or if the disclosure of your name itself would reveal information about you.</p>
	<p>Means any activity concerning personal information including:</p> <ul style="list-style-type: none"> <li>a. collecting, receiving, recording, organising, collating, storing, updating, modifying, retrieving, altering, consulting or using;</li> <li>b. disseminating by means of transmission, distribution or making available in any other form; and/or</li> <li>c. merging, linking, restricting, degrading, erasing or destroying information.</li> </ul>
<b>special personal information</b>	<p>Means your:</p> <ul style="list-style-type: none"> <li>a. religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, or biometric information.</li> <li>b. criminal behaviour to the extent that such information relates to: <ul style="list-style-type: none"> <li>i. alleged commission of any offence; or</li> <li>ii. any proceedings in respect of any offence allegedly committed by you or the disposal of such proceedings.</li> </ul> </li> </ul>
<b>we/us/our/EFPC</b>	<p>Means Efficient Private Clients (Pty) Ltd, registration number 2016/392665/07, a registered financial services provider and subsidiary of Efficient Group (Pty) Ltd.</p>
<b>you/your</b>	<p>Means any prospective, new or existing client, supplier, employee, service provider or other stakeholders of EFPC.</p>

### **3. TYPE OF PERSONAL INFORMATION THAT WE COLLECT**

- 3.1 We may collect the following personal information about you:
  - 3.1.1 your name, address, contact details, date of birth, place of birth, identity number, passport number, nationality, citizenship, bank details, gender, information about your beneficiaries, children or a child that you are legal guardian over, employment details, tax number, marital status, and financial information;
  - 3.1.2 records of correspondence or enquiries from you or anyone acting on your behalf;
  - 3.1.3 details of your transactions;
  - 3.1.4 details of contracts that you enter into with us and carry out with us;
  - 3.1.5 details of you made available on third-party sanctions lists; and
  - 3.1.6 special personal information that includes biometric information, such as photos, fingerprints and/or voiceprints.

### **4. HOW WE COLLECT YOUR PERSONAL INFORMATION**

- 4.1 You may provide personal information to us either directly or indirectly (e.g., through a financial advisor or agent acting on your behalf), by completing an application form for our services and/or solutions, or when requesting further information about our products and/or services, whether in writing, through our website, social media platforms, over the phone or by any other means.
- 4.2 We may also collect your personal information from your appointed agent, any regulator or other third party that may hold such information.

### **5. HOW WE USE YOUR COLLECTED PERSONAL INFORMATION**

- 5.1 We may use, transfer and/or disclose your personal information for the purposes of:
  - 5.1.1 providing you with the services, or offerings that you have requested, and notifying you about important changes to these services, and/or offerings;
  - 5.1.2 managing your account or our relationship, and complying with your instructions or requests;
  - 5.1.3 detecting and preventing fraud and money laundering and/or terrorist financing risk in the interest of security and crime prevention;
  - 5.1.4 assessing and resolving complaints;
  - 5.1.5 complying with operational, marketing, auditing, legal and record-keeping requirements; and
  - 5.1.6 verifying your identity and that of beneficial owners (where applicable) in accordance with FICA.

5.2 We may, from time to time, contact you about products, services and/or offerings available from EFPC or specific subsidiaries of the Efficient Group, which we believe may be of interest to you, by email, phone, text message or other means, unless you have unsubscribed from receiving such communication.

## **6. DISCLOSURE OF YOUR PERSONAL INFORMATION**

6.1 Your personal information may be shared with other Efficient Group subsidiaries, financial advisors marketing and selling EFPC's services and/or solutions, and/or selected third parties who process information on our behalf.

6.2 We may also disclose your personal information to third parties under the following circumstances:

- 6.2.1 to any other Efficient Group subsidiary, business partner, or other third party to:
  - a. assess and monitor any of your applications for the Efficient Group's products and/or services;
  - b. determine which products and/or services may be of interest to you and/or to send you information about such products and/or services, unless you object or choose not to receive such communication; and/or
  - c. have a better understanding of your circumstances and needs to provide and improve our products and/or services to you.
- 6.2.2 to any relevant person and/or entity for the purposes of preventing, detecting and reporting fraud and criminal activities, identifying the proceeds of unlawful activities and combatting crime;
- 6.2.3 to any regulator and/or supervisory authority, including those in foreign jurisdictions, if EFPC is required to do so in terms of applicable legislation;
- 6.2.4 to a prospective buyer or seller of any of Efficient Group and its subsidiaries' businesses or assets, or any part thereof, subject to the parties adhering to personal information security and confidentiality requirements of applicable legislation;
- 6.2.5 to any person if we are under duty to disclose or share your personal information to comply with any applicable legislation, or to protect the rights, property or safety of EFPC, other clients or other third parties; and/or
- 6.2.6 to your financial advisor, his/her assistants and other employees who have a need to know for the purposes of providing EFPC's services and/or solutions to you, or any other person acting on your behalf.

- 6.3 We may transfer your personal information to subsidiaries or shareholders of the Efficient Group, agents, sub-contractors or third parties who conduct business in another country, including countries which may not have data privacy laws similar to those of the Republic of South Africa. Should this happen, we will ensure that anyone to whom we transfer your personal information agrees to treat your information with the same level of protection as if we were dealing with it.
- 6.4 If you do not wish for us to disclose your personal information to third parties, please contact us at the contact details set out in this policy. We may, however, not be able to provide our services and/or solutions to you if such disclosure is necessary but restricted by you.

## **7. RETENTION OF YOUR PERSONAL INFORMATION**

We will retain your personal information indefinitely unless you object, in which case we will only retain it in accordance with retention periods as outlined in applicable legislation, or for longer if we need to retain it for a lawful purpose (for example, for the purposes of complaints handling, legal processes and proceedings).

## **8. ACCESS TO, CORRECTION, AND DELETION OF YOUR PERSONAL INFORMATION**

- 8.1 You may request the details of the personal information which we hold about you under the PAIA. Please refer to our [PAIA manual](#) available on our website.
- 8.2 Confirmation of whether or not we hold personal information about you may be requested free of charge. If you would like to obtain a copy or description of the personal information we hold about you, please follow the procedure in our PAIA manual.
- 8.3 You have the right to request the correction of personal information that we hold about you.
- 8.4 Please ensure that the personal information that we hold about you is complete, accurate and up-to-date. If you fail to keep your personal information updated, or if your personal information is incorrect, EFPC may limit the services and/or solutions offered to you or elect not to open an account.
- 8.5 You have the right, under certain circumstances, to request the destruction or deletion of your personal information and, where applicable, to place a restriction on the processing of the personal information held about you. If you wish to exercise this right, please follow the procedure in our [PAIA manual](#).
- 8.6 You have the right to object, on reasonable grounds, to the processing of your personal information unless applicable legislation provides for such processing. If you would like to exercise this right, please follow the procedure set out in our [PAIA manual](#).

## **9. INDEMNITY**

- 9.1 You hereby indemnify and hold EFPC harmless from any loss, damage or injury that you may incur as a result of:
- 9.1.1 the lawful processing of your personal information;
  - 9.1.2 any unintentional processing of your personal information; and/or
  - 9.1.3 the provision of incorrect or incomplete personal information to EFPC.

## **10. AMENDMENTS TO THIS POLICY**

- 10.1 We may amend this policy from time to time for any of the following reasons:
- 10.1.1 to provide for the introduction of new systems, methods of operation, products, services, offerings or facilities;
  - 10.1.2 to comply with changes to any applicable legislation;
  - 10.1.3 to ensure that our policy is clearer and more favourable to you;
  - 10.1.4 to rectify any mistake that may be discovered from time to time; and/or
  - 10.1.5 for any other reason which EFPC, in its sole discretion, may deem reasonable or necessary.
- 10.2 Any such amendment will come into effect and become part of any agreement you have with EFPC when notice is given to you of the change by publication on our [website](#). It is your responsibility to check the website frequently.

## **11. COMPLAINTS**

Should you believe that EFPC has used your personal information contrary to applicable legislation, you undertake to first attempt to resolve any concerns with EFPC. If you are not satisfied with the outcome of your complaint, you may have the right to lodge a complaint with the Information Regulator, using the following contact details:

Email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

Website: <https://www.justice.gov.za/infoereg/>

## **12. CONTACT US**

Please contact our Information Officer or our Deputy Information Officer at [admin@efpc.co.za](mailto:admin@efpc.co.za) or 087 944 7999 if you have any queries or requests relating to this policy.