

Privacy Policy of Tirhani Auctioneers

Consent to Process Personal Information in terms of the Protection of Personal Information Act, 4 of 2013 (POPIA) by Tirhani Auctioneers Gauteng CC (“Tirhani Auctioneers”) Registration Number: 2008/016935/23

Document Revision Date: April 2021

Please read this document before making use of Tirhani Auctioneers’ electronic facilities or provide Tirhani Auctioneers with any personal information. By providing Tirhani Auctioneers with personal information, it is regarded as consent to process personal information, which Tirhani Auctioneers undertake to process strictly in accordance with this privacy policy.

Introduction

The Protection of Personal Information Act, 4 of 2013, (POPIA) regulates and controls the collection, use, transfer, and processing of an individual or legal entity’s personal information.

In terms of POPI Act, a “**Responsible Party**” (in this case Tirhani Auctioneers) has a legal duty to process a “**Data Subject’s Personal information**” in a lawful, legitimate, and responsible manner.

In terms of POPIA, all persons who collect, manage, process, transfer, store and/or retain personal information, whether held under a document, record or in any other format has a responsibility to process such information in accordance with the provisions housed under the POPI Act.

To discharge this duty, Tirhani Auctioneers require the data subjects expressed and informed permission to process its personal information.

Definitions

“**Data Subject**” means the person to whom personal information relates.

“**Information Officer or Compliance Officer**” means the Information Officer or Compliance Officer who has been appointed by Tirhani Auctioneers.

“**Person**” means a natural or a juristic person.

“**Personal Information**” means information relating to an identifiable living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to –

- (a) 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;
- (b) Information relating to the education or the medical, financial, criminal or employment history of the person;
- (c) Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other particular assignment to the person;

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- (d) The biometric information of the person;
- (e) The personal opinions, views, or preferences of the person;
- (f) 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;
- (g) The views or opinions of another individual about the person; and
- (h) 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.

“Processing” means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including –

- (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- (b) Dissemination by means of transmission, distribution or making available in any other form; or
- (c) Merging, linking, as well as restriction, degradation, erasure or destruction of information.

“Responsible Party” means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information.

What is the Purpose of the Collection of Personal Information?

The purpose for the collection of a Data Subject’s personal information by Tirhani Auctioneers is to enable Tirhani Auctioneers to:

1. comply with lawful obligations, including all applicable, tax and financial legislation (including compliance with any, *Consumer Protection Act, the Financial Intelligence Centre Act 38 of 2001 (FICA), the National Credit Act, 34 of 2005 (NCA)*);
2. give effect to a contractual relationship as between the Data Subject and Tirhani Auctioneers and to ensure the correct administration of the relationship;
3. facilitate various operational functions;
4. perform data analyses and to share personal information with third parties for data analyses; and
5. to manage and protect the legitimate interests of Tirhani Auctioneers, the Data Subject or a third party.

All personal information which the data subject provides to Tirhani Auctioneers will only be used for the purposes for which it is collected.

Consequences of Withholding Consent or Personal Information

Tirhani Auctioneers will not be able to assist the data subject with its requirements or provide it with the requested services should the data subject withhold or refuse to provide Tirhani Auctioneers with the required consent and/or personal information.

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Storage, Retention, and Destruction of Information

All personal information which the data subject provides to Tirhani Auctioneers will be held and/or stored securely and held for the purpose for which it was collected, as reflected herein. The data subject's personal information will be stored electronically in a centralised data base and will be accessible to authorised personnel within Tirhani Auctioneers. Where appropriate, some information may be retained in hard copy. In either event, storage will be secure and audited regularly to confirm the safety and the security of the information.

Once the data subject's personal information is no longer required, i.e., since the purpose for which the information was held has been completed, such personal information will be safely and securely stored for a period of 5 (five) years per *FICA (the Financial Intelligence Centre Act 38 of 2001)*. Thereafter, all the data subject's personal information will be permanently destroyed.

Right to Object

In terms of *section 11(3) of POPIA* the data subject has the right to object in the prescribed manner to Tirhani Auctioneers processing the data subject's personal information. On receipt of the data subject's objection, Tirhani Auctioneers will place a hold on any further processing of the data subject's information until the cause of the objection has been resolved.

What Type of Personal Information is Collected?

The type of information that Tirhani Auctioneers may be required to collect includes:

- Data subject's contact name and identity, email addresses, contact telephone numbers, Internet Protocol addresses (IP addresses), cookie identifiers.
- Bank account details, authorised signatory details, information relating to power of attorney arrangements.
- Any information that the data subject provides to Tirhani Auctioneers relating to other parties or that other parties provide to Tirhani Auctioneers in relation to the data subject. For example, information concerning bidder and purchaser details for a property or assets when someone registers to bid for an auction. Before disclosing information about another party to Tirhani Auctioneers, consent should be first be given by that party.
- Information which the data subject has consented Tirhani Auctioneers to make use of. For example, information allowing Tirhani Auctioneers to contact and send auction related communications on a periodic basis.
- Tirhani Auctioneers may collect CCTV images at their office locations, for security reasons and to help prevent fraud or crime.

How and When is Information Collected from the Data Subject?

Tirhani Auctioneers collect information of a data subject in the following ways, including but not limited to:

- When an account is set up online via the Tirhani Auctioneers website or app
- When registering to participate in an auction

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- When the data subject requests or consents to be added to Tirhani Auctioneers’ marketing database
- When the data subject uses the Tirhani Auctioneers website or app (<https://www.tirhani.co.za/> / <https://tirhani.bidwrangler.com/>)
- When the data subject or other parties give Tirhani Auctioneers information verbally or in writing. This may be in the format of registration forms, viewing attendee sheets, through correspondence with us, or lodging a complaint or query.

How does Tirhani Auctioneers Use / Process the Data Subject’s Information?

Tirhani Auctioneers makes use of and processes data subject’s information in various ways to comply with South African legal obligations. Ways in which the data subject’s information may be made use of are:

- Tirhani Auctioneers may use the data subject’s personal information for matters such as confirming identify, to help in the processing of an application for one of our services or to improve the data subject’s customer experience with Tirhani Auctioneers.
- To manage and administer the data subject’s account.
- To process transactions for example invoicing after an auction is completed, or where a refund to the data subject is required, the data subject’s banking details will be used.
- To contact the data subject by telephone, text message, email, post, or social media, or other means but not in a way that is contrary to the instruction of the data subject, legitimate interest or contrary to law.
- To recover debt that the data subject may owe, and to manage and respond to a complaint or appeal that the data subject may have.
- To conduct marketing activities such as direct marketing (should it not be objected by the data subject to be used) and research, including customer surveys, analytics, and related activities.
- To carry out strategic planning and business portfolio management. This could include compiling and processing the data subject’s information for audit, statistical or research purposes (including, in some instances, making data anonymous) to help Tirhani Auctioneers understand trends in its customer behaviour and to understand risk better, including providing management information, operational and data risk management.
- To protect Tirhani Auctioneers’ business reputation, resources, and equipment, to manage network information and security (developing, testing, and auditing our websites) and other systems, dealing with accidental events, unlawful or malicious actions that compromise the availability, authenticity, integrity, and confidentiality of stored or transmitted personal data, and the security of the related services.
- To comply with the data subject’s information rights, to establish the data subject’s identity and to comply with laws and regulations concerning the prevention of money laundering, fraud, and terrorist financing. As a result, Tirhani Auctioneers may need to disclose information to government and other statutory bodies.
- To manage and administer legal and compliance matters within Tirhani Auctioneers, including compliance and regulatory, legislative, and voluntary codes of practice to which Tirhani Auctioneers are committed.

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What are the Data Subject's Responsibilities?

The Data Subject is responsible for maintaining the confidentiality of their username, password, banking details and any other security information provided to or chosen by the Data Subject.

Tirhani Auctioneers encourages Data Subjects to:

- Use strong passwords for their website account.
- Not share account login details with any person; and
- Change their password on a regular basis.

The Data Subject has a duty for access and computer restriction, or other electronic devices used to access the internet, to any person. The Data Subject shall be liable for any bids placed using their details, by a third party, regardless of whether the third party gained access to the data subject's electronic device(s) without the necessary informed consent.

Fraudsters may send invoices to users purporting to originate from Tirhani Auctioneers or make other requests for payment. If there is ever any reason to doubt the authenticity of an invoice with the name of Tirhani Auctioneers on it or any payment communication, the Data Subject should enquire if the request is authorised and request Tirhani Auctioneers to confirm if it is a valid invoice.

Does Tirhani Auctioneers share the Data Subject's information with Third Parties?

Tirhani Auctioneers will only share information with a certain number of other parties and only as necessary. Examples of information sharing include:

- Statutory and regulatory bodies and law enforcement authorities. These bodies include but are not limited to the following: The Information Regulator (South Africa), Financial Intelligence Centre (FIC), SARS, police authorities, and other designated authorities in connection with combating financial and other serious crime.
- Companies that provide support services for the purposes of protecting Tirhani Auctioneers legitimate interests. Data Subjects personal information remains protected when being used by service providers and it is used for the purpose it is shared for. Tirhani Auctioneers service providers includes marketing and market research companies, IT and telecommunication service providers, software development contractors, data processors, banking institutions, property contractors, towing services, document storage and destruction companies, debt collection agencies, computer maintenance contractors, auditors, and other consultants, including legal advisers.

The Data Subject's Right to Request Access to Their Information from Tirhani Auctioneers

The Data Subject has the right to request a copy of the personal information which Tirhani Auctioneers holds in its possession. Communication of such a request can be done through all contact details provided below or on the Tirhani Auctioneers website. Please note that security questions and/or requests for identification may be required in order to facilitate this request.

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Updating or Correction of Personal Information Provided to Tirhani Auctioneers

The Data Subject has a right to request for their personal information to be updated, corrected, or deleted. Tirhani Auctioneers will require a copy of the data subject's Identity Document to confirm their identity before making changes to personal information Tirhani Auctioneers may hold. The data subject is encouraged to provide us with accurate and up-to-date personal information.

Tirhani Auctioneers Information Officer Contact Details

Should you have any questions pertaining to personal data being collected, stored, shared, or processed by Tirhani Auctioneers, or if you wish to exercise any of your data rights, queries can be directed to the Tirhani Auctioneers Information Officer:

Telephone: +27 (11) 608 2280

Email: info@tirhani.co.za

Address: Tirhani House, 1 Centex Close, Eastgate Ext 4, Sandton, Gauteng

Update of Privacy Policy

Tirhani Auctioneers reserve the right to and may from time to time update the Privacy Policy. Any such revision shall be published as an amended version on the Tirhani Auctioneers website. The onus is on the Data Subject to check the Tirhani Auctioneers website periodically for any updates or changes.

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